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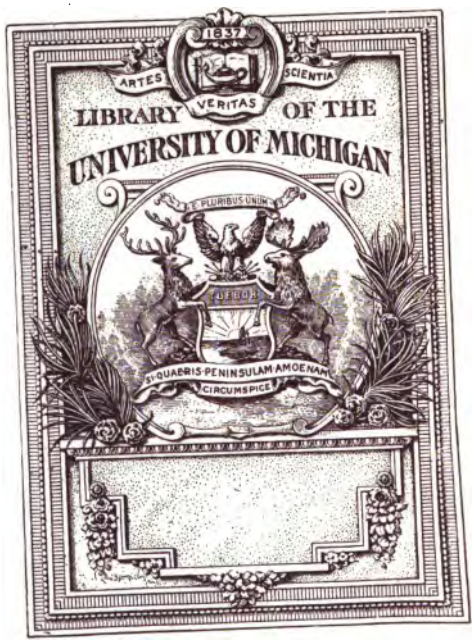
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THE ROMANCE *of*
A YOUNG LAWYER

By

HERBERT I. GOSS

THE
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PREFACE.

THIS story is not a narrative of my own domestic affairs. I was married before I came to Berlin to live.

Persons represented as living in Berlin are not generally called by their true names. In their cases, while there is often a foundation of fact, frequently there has been a considerable admixture of fiction; hence the use of pseudonyms.

The account given of Metallak I believe to be historically correct. My authorities are Furgesson's History of Coos County and the memory of men still living who knew him.

Major Robert Rogers and his rangers have not been given the recognition in the history of New Hampshire which they deserved. The reason probably is, that Rogers, who had served in the British army during the French and Indian War, remained loyal to the Crown at the outbreak of the Revolution; and an early act of the provisional government prohibited, under severe penalties his entry of the State. This act was never repealed. That he re-

mained true to the government with which he had been so long identified in no way reflects upon his honesty. At this date it should not be allowed to prevent a due recognition of his public services. He was one of the most successful Indian fighters in the annals of American History. Cautious, bold, wary, he was a match in cunning for the lurking savage, and knew how to hurl the entire strength of his command with overwhelming force against the enemy. The destruction of the St. Francis Village was but one of his many successful enterprises. By this exploit the horrors of Indian warfare were forever ended in New England. Though a native of New Hampshire, neither the State nor any private society has ever, to my knowledge, taken any steps to perpetuate his memory or that of his brave followers. He deserved a more honorable place in the history of this State.

HERBERT I. GOSS.

Berlin, N. H., May, 1907.

T. THORNDYKE, ATTORNEY-AT-LAW.

CHAPTER I.

INTRODUCTION—IN WHICH THE READER MAKES THE ACQUAINTANCE OF THE AUTHOR.

GENTLE READER, I am in need of money; I have a scheme, a scheme to make money—for myself. It is this: I write a novel, you buy a copy; I get the money, you get the book. To be honest with you, however, I must say that this is my first attempt at writing for publication. Whether what I shall produce will be of interest to you, I do not know. On that you must take your chances. I shall, however, to the best of my ability, endeavor to make it worth what it will cost you.

Since the book is to be about myself, I will begin by telling you who I am. My real name is Theophilus Thorndyke, but I am seldom called by my real name. I have a variety of nicknames: "Thoff," "Thorny," and "Dyke," being the several roots

from which they are composed. This gives you "Thoff Thorndyke," "Thoff Thorny," "Theophilus Dyke," and "Thoff Dyke." But usually only one is used; and the use at the present time seems to be about equally divided between the three, so I am called "Thoff," "Thorny," or "Dyke," indifferently. Squire Pillsbury at times calls me "That Fool." The Squire's name is appropriate. Pillsbury is a dry old Pill, and knows what to call a thing when he sees it.

I am a young man, twenty-six years old, and I want to get married. There is, living in this place, the daintiest, purest, and truest bit of womankind that the light of day ever shone upon—I don't think, I know.

I do not know if she would accept; but, in view of the circumstances by which she and I are surrounded, perhaps I ought to ask her to become my wife; still, I hesitate, for I am without funds. What is the use of talking about housekeeping if you have not the chips to sit in to the game? That is why I am out scouting for money.

She is old Squire Pillsbury's daughter, and I don't know just how he would take to the idea. But he humors her in almost everything,—she is his only child,—and I think, if she wanted to, she could manage him in this. I would leave it to Isabella, and should expect it to come out all right.

They say that a man in love can never think of anything else, and it is true, too. The face of the

fair one meets him in every spot and place. Open a book and a pair of feminine eyes look straight into yours. It makes little difference what author you choose; dry old Blackstone, himself for many years a bachelor, is as bad as any of them—perhaps among the worst.

Under the circumstances, you see, if I write anything, I shall have to tell you more or less about the divine Isabella; but I shall try and not overburden you with my love affairs; and I shall reserve the right to draw a veil over our confidences whenever I choose.

Moreover, I have gone through, in the past year, some, to me, unusual experiences; besides, there is, in this locality, a store of folk lore, legend, stories, or whatever one chooses to call it, which I believe would interest, if put into fair English. It is from these two sources that I intend mainly to draw the material for my book.

I am a lawyer, but I fear that my business has gone to the dogs. I never had a large clientage, having been in practice only a year. I started by myself, and perhaps I should not have expected much business to begin with; but, as I have said, I fear that I have lost what I had. How and why, you will learn as this narrative proceeds; so I am trying to recoup my fortunes by turning author.

I live in Berlin, Coos County, New Hampshire, U. S. A. Coos, by the way, is not pronounced in one syllable, but in two. It is derived from two

Indian words, *Coo-ash,* meaning pines, and *auke,* meaning place, the full word in the Indian language being *Coo-ash-auke.* By us Yankees it has been contracted to its present form and pronounced *Co,* long *o, ös,* short *ö, Co-ös.* It is sometimes pronounced as if an *h* were inserted between the two *o*'s, *Co-hos;* but this is not correct. Coos County comprises the point of the flatiron which makes the northern extremity of New Hampshire. There are two shire towns; one is Lancaster in the Connecticut River valley, about thirty miles distant, the other is Colebrook, also in the Connecticut valley, fifty miles distant, and thirty-six miles farther north than Lancaster. The broad meadows surrounding these two places were once covered with pines, hence the name Coos.

My Berlin is among the foothills of the White Mountains. It is a little east of north from the summit of Mount Washington, and about twenty miles distant as the crow flies. It is on the Androscoggin River in the eastern part of the county. Here the river passes in a narrow valley between two hills of rocky ledge only scantily clothed with a thin coating of soil, while in the floor of the valley beside the river much of the rock bottom is exposed. The hill on the west is Mount Forist; it rises to a height of about one thousand feet from the floor of the valley and presents an almost perpendicular face of solid rock. Still farther north on the same side of the river Cates Hill rises higher, but

not so abruptly, and with less exposure of rock surface. Between Mount Forist and Cates Hill is Dead River, a small stream that makes down at right angles and joins the Androscoggin at Berlin Falls. The southern shoulder of Cates Hill, next Dead River, is a precipitous crag called Jasper Mountain, from the fact that it contains a vein of hard, flinty rock, which formerly the Androscoggin Indians mined for the manufacture of arrow-heads and tomahawks. Geologists tell us that a stream as large as the Androscoggin once flowed in the valley of the Dead River. On the easterly side of the Androscoggin valley is Mount Carbury, higher, but less precipitous than Mount Forist.

I came to Berlin in 1885, when the Glen Manufacturing Company were developing the Big Pitch for the manufacture of newspaper from wood. Spruce is used. After being cut into blocks of convenient length it is ground to a fine pulpy mass on huge grindstones, and then submitted to the usual processes of manufacture. There is a possibility that the paper from which you read the morning news was manufactured at Berlin.

I am aware that in a novel there should be one principal personage in whose fortunes the reader is presumed to be interested, and who is constantly referred to as "our hero." I intend to comply with the amenities of polite fiction in this respect. Theophilus Thorndyke will pose as "our hero." If I followed my own feelings in the matter, I should use

Squire Pillsbury's appellation, before given, as being the most applicable to the facts in the case; but I am a beginner, and shall not allow my personal feelings to enter into the matter.

One thing I must confess, and I do it with many apologies to the novel-writing profession, and with felings of profound regret. This book will contain no real black-hearted, thorough-going villain. I am aware that such a lack is against precedent, and may be considered by some as sure proof that the book will fall flat. But, as Uncle Harry Bingham once said to the New Hampshire Supreme Court when arguing Mitchell v. The Railway, "A lawyer in arguing a case to the jury may soar, and soar, and soar, and, if he comes down like a stick, it is his hunt." Ditto with an author.

I have already given some consideration to the selection of a name for this production. "Fortune's Fool" seems to me entirely appropriate, for certainly fortune has made me her sport since I came to Berlin. But I have discarded it as having a doleful sound. Another title might be "Legends from the White Hills," but I am afraid the reader after buying the book would be disappointed in finding so little about the hills and so much about myself. Finally I have decided to take the inscription on my shingle at the foot of the stairs, as being more appropriate. I shall not, however, confine myself strictly to my own experiences. Accord-

ingly the title is "T. Thorndyke, Attorney-at-Law."

And now, Reader, having made your acquaintance and given you an opportunity to make mine, I will bring this prologue to a close, retire behind the scenes, ring up the curtain, and presently appear upon the stage in the character of Theophilus Thorndyke, "our hero."

CHAPTER II.

IN WHICH "OUR HERO" MAKES HIS DEBUT IN THE PRACTICE OF THE LAW.

"PARLEY-VOO fransay?"

These words were uttered one pleasant morning in June, 1885, by a tall, dark-skinned, black-haired, black-eyed woman, apparently forty years of age, as she stood in the middle of a smallish front room, up one flight, in a wooden building in Berlin. This room and the smaller one in the rear comprised the law office of T. Thorndyke, as the sign beside the door at the foot of the stairs informed all inquiring passers-by.

At a table at the side of the room opposite the entrance, a young man was bending over some paper, upon which he appeared to be intently writing. So absorbed did he appear that he seemed not to be aware of the presence of the woman who was addressing him. The fact, however, was the reverse; he was painfully aware of her presence and afraid that she would know it.

The young man was Theophilus Thorndyke. A week before he had come to Berlin and opened a

law office, but so far had waited in vain for clients. This should not have been a matter of surprise or discouragement, but our hero did not feel that he could wait. It had taken nearly all of his money to furnish an office and pay a week's board, and he depended upon his daily labor to earn his bread. As the days had gone by and no clients came he had been disappointed, and at length had come to feel decidedly discouraged.

What had made it harder to bear was the fact that everyone else had been busy. From his window he could look into a part of the site of the new Glen Mills in process of erection. There steam drills had been coughing as they pounded holes into the solid ledge; there hoisting engines had manifested spasmodic activity as, at irregular intervals, they raised rock and other weights by means of the derricks which were being operated in various places over the grounds.

Military authorities tell us that the hardest test of a soldier's courage is to wait, as sometimes he must, while under fire, without the opportunity to return a shot. To wait is especially hard for the young attorney, who feels that he must earn something each day in order to pay his board. Thorndyke had re-read some of his law books, then had read from Shakespeare and from Darwin's "Origin of the Species," then had scribbled some on his stationery, then had waited and wished someone with whom he could talk would come in; but no

one had come. One thing he might and ought to have done: he might have written home. But he did not, for he had not got over his father's refusal to carry him to the railway station.

However, this morning as he sat in his office he heard a step on the stairs. His first visitor was coming, probably his first client.

Reader, have you ever hunted game as large as deer? If so, you have probably found their haunts, and selecting a good cover, preferably in an open country broken by patches of woods from which a wide sweep of country could be observed, have waited. At first you were all enthusiasm; never did picket on the firing line spy the country more closely than did you, but as time wore on and no game appeared, your vigilance relaxed. Finally, perhaps after you had become reconciled to going home with nothing and had almost gone to sleep, you have looked up; and, behold, in plain sight, almost under your nose, as it were, is the game for which you have been waiting. You are not afraid of the game, but are afraid that it will get away before you can shoot. You seize your rifle, and are surprised to find yourself all in a tremble. A two-hundred-pound buck deer looks bigger to you than any ox that ever breathed. You cock your rifle, bring it to your shoulder and fire; but you have been so excited and in such a hurry that you fire without taking careful aim, perhaps no aim at all, and the chances are ten to one that you have missed your

game. If you have had such an experience you know something of how young Thorndyke felt when he heard the step on the stairs.

What should he do? Here was a client coming and his business must be secured. It would never do to let the client see that he was not busy. Fortunately he was sitting near his table. He hurriedly pulled a sheet of letter-paper in front of him, seized a pen, dipped it in the ink-well in such haste that the ink dropped as he brought it forward, and made a big blot on the page, and bending low over the sheet, commenced a letter to a Boston publishing house, inquiring the price of a set of New Hampshire Reports; books, by the way, which he sadly needed, which are almost indispensable to a lawyer in practice in New Hampshire, but which cost about four hundred and fifty dollars, and consequently books which he could buy no better than he could fly.

He had only time to write the date and address when the steps reached the top of the stairs, the door opened and someone came into the room; but he did not look up, he was too busy.

"Parley-vo Fransay?" repeated the woman, as she advanced farther into the room with her companion, a short dumpy woman of about the same age, whose only office seemed to be that of chaperon.

The form of the young man uncoiled from the table, he turned and looked up.

As has been already told, he was twenty-six years of age, but he looked younger, if anything. His

figure was of medium height, rather spare, with a slight inclination to stoop. He had brown hair and gray-blue eyes.

"No," he said in reply.

Evidently the woman was Canadian French.

"No?" she repeated interrogatively.

"No," decisively.

"Me no spik the good Anglais," said the woman deprecatingly.

"I guess I can understand you," said the young lawyer. "What can I do for you?"

For reply the woman took from her head a white woolen scarf with which it had been wrapped, and bending down so that the young lawyer could see, showed him two scalp wounds, where the blood had clotted and dried in her hair, presenting a decidedly unkempt and gruesome appearance.

"My man, he do dat," said the woman with a smile as she straightened up.

"What did he do that for?" asked the lawyer.

"Non comprany," said the woman, as she and her companion took seats.

"What for?" asked the lawyer, raising his voice as if the difficulty in making himself understood were one of hearing rather than of comprehension.

A shrug of the shoulders, and an outward motion of the hands was the only reply, but they said more plainly than words could have done, "I don't know."

"How did he do it?" asked Thorndyke.

Again the expressive shrug.

"How?" asked Thorndyke, still speaking at concert pitch.

"Poke—what you call—poke de stove," said the woman.

"Stove poker?"

"Ah, wee, moose-ear."

"Did he strike you?"

"Ah, wee, moose-ear."

"Did you strike him?"

"No. Moose-ear, not me."

"What did you do to make him strike you?"

"Me? Nothing."

"What do you want done about it?" asked the lawyer, still speaking loudly.

"R-rest? What you call—'rest? Me no spik the good Anglais; me want her 'rest."

"You want to have him arrested, I guess, don't you?" asked the lawyer.

"Ah, wee, moose-ear, ar-r-rest her."

"Arrest her? What do you mean by that? I thought you said it was your husband that did it?"

"Ah, wee, moose-ear, she do dat."

Thorndyke learned later that the gender of the English personal pronoun is often beyond the ken of the uneducated Canadian.

From further inquiries Thorndyke concluded that the woman's husband had assaulted her with a stove-poker; that he apparently had no provocation; and that she wanted him arrested. And, further, that she lived in a small tenement house near

by; that her name was Mary Gregoire, and that her husband, the guilty party, was named Narcisse Gregoire.

Here, then, was a clear case; an assault and battery without provocation, by a man upon a woman, with so dangerous a weapon as a stove poker. Would the man stand trial, or plead guilty? Thorndyke thought most likely the latter. In either event here was some business, and business was what he had been looking for.

When Thorndyke thought that he had sufficiently ascertained the facts he took the proper blank and made a complaint for assault and battery.

This complaint having been signed, and oath made to the truth of the same by the said Mary, a warrant was issued directed to any sheriff of the county of Coos or his deputy, or to any police officer or constable, commanding him to arrest the said Narcisse and bring him before John J. Pillsbury, Esquire, or some other Justice of the Peace, for examination and trial.

The necessary papers having been made, they were placed by Thorndyke in the hands of Lewis N. Clark, a deputy sheriff, with instructions to make the arrest without delay. Thorndyke had not asked the woman for any money for fees and disbursements, for he concluded it was such a plain case that the prosecution must necessarily prove successful. His fee for making the complaint and warrant was a dollar and a half, and would be taxed

against the respondent as part of the costs if he was convicted, as of course he would be; and, if no more money was forthcoming, Thorndyke was willing to take fame and glory for the balance of his account.

Narcisse was at work with his pick and wheelbarrow, clearing away the broken rocks which had been blasted out for the foundation of the Glen Mills, and soon he was in the toils of the law, *i. e.*, was under arrest and in the custody of the deputy sheriff; who at once brought him, followed by a crowd of loafers and small boys, to Thorndyke's office.

He was a man apparently a little older than his wife, say from forty-five to fifty years of age. He was rather undersized, perhaps five feet six inches in height, and a hundred and twenty-five or thirty pounds in weight. A mass of curly black hair streaked with gray, and a heavy, straggling, dark-gray beard enveloped his head, on which he wore an old felt hat with a brim of moderate width, which he pulled well down over a patch of skin the color of parchment which served for a face. From beneath the brim of his hat a pair of glittering black eyes looked out. In his ears were earrings made of gold wire. In size he was smaller than his wife, a circumstance which had no significance to Thorndyke at the time, but which appeared important later.

By a statute of the State of New Hampshire it is

provided that a person under arrest may be "detained in custody not exceeding twenty-four hours, within which time he shall be discharged, or taken before a Court or Justice to answer for the offense." In other words, if not taken before a Court or Justice of the Peace within twenty-four hours, Sundays excluded, he must be discharged. Consequently a hearing must be had without delay. The punishment in this case, if the respondent should be found guilty, would be a fine not exceeding twenty dollars or imprisonment not exceeding six months, or both. It was therefore within the jurisdiction of a Justice of the Peace to try and determine and impose sentence, subject, of course, to the respondent's right of appeal to the Supreme Court.

But this requirement of a speedy trial raised no difficulty. Like a keg of lager on draught, Squire Pillsbury's court was always ready for business. You had only to turn the spigot, *i. e.*, send for the Squire, and forthwith you received a plentiful portion of such justice as the Squire meted out, and which we may say in passing was always the best the Squire could give.

Squire Pillsbury, or the "Old Squire" as he is commonly called, is a man about six feet tall, rather gaunt, slightly stooped-shouldered, apparently sixty years of age, with a prominent clean-shaven chin, mustache, firm mouth, good gray eyes, and hair becoming thin and quite gray. Formerly he was in business as a merchant, but had retired, and at the

time when or narrative opens, supported himself by serving as Justice of the Peace and by taking care of his property, of which he had enough to provide for him comfortably.

Informed of the grave nature of the offense with which the respondent stood charged, he inquired of Thorndyke where he would have the trial take place.

"I guess we better have it here," said Thorndyke, thinking thereby to induce the public to enter his office, and thus become cognizant of the fact that a lawyer of his caliber was doing business in the town.

The Squire looked doubtfully at the nine chairs with which the office was furnished, but made no objection.

"Who's on the other side?" he inquired.

No one made answer.

At the time of which we write Berlin was the home of two other lawyers: David Dooley, a young man of about Thorndyke's age, and Robert Cook, also a young man, but older than the other two.

"Who you got for a lawyer?" inquired the Squire of the respondent. But he made no answer.

"You'll have to get an interpreter," said Clark, the Deputy. "They can't either of them talk English," referring evidently to complainant as well as respondent.

Inquiry revealed the fact that Pete Kelley, an Irishman, who was born in the French section of Canada, and could speak both French and English, was at work on the Glen Company's foundations,

and a courier was selected and dispatched for him. Kelley soon arrived, and was at once inducted into the office of interpreter.

"Who's he got for counsel?" inquired the Squire; and Gregoire being interrogated by Kelley said he had not had time to get anyone.

"Dooley's gone fishin' and won't be back before to-morrow night," said one of the bystanders.

"Then Cook's the only man he can get," said the Squire; and turning to Kelley he said, "You tell him if he wants to have a lawyer he better be about it."

"Shall I go with him?" inquired the Deputy.

"Yes, you and Kelley both go," replied the Squire, and immediately the three went out; but in about fifteen minutes returned without Cook.

"Where's Cook?" inquired the Squire.

"Won't come," said the Deputy.

"Why not?" inquired the Squire, evidently in surprise.

"Says 'taint no use. Always gets beat when he's for the defense, and won't come."

Evidently this imputation upon the fairness and justice of the proceedings in his Court did not please the Squire, and he said:

"I'll go down myself and see him, and see what I can do," and he took his hat and went out.

What happened when the Squire reached Cook's office Thorndyke did not know until some time after;

but it seems that the Squire asked Cook why he would not appear and defend Narcisse Gregoire.

"You know as well as I do that it won't do any good," said Cook; "You always decide for the complainant. It's like butting your head against a stone wall to try to defend a man in your court."

"Oh, I guess it's not so bad as that," said the Squire.

"Have you ever found for me when I have been for the defense?" asked Cook.

The Squire was silent.

"Well, you better come up and try it once more and see how you come out this time," he said insinuatingly.

"Well, if you think there is any show for me, I'll go up," said Cook, "but I don't want to go for nothing."

"Come up," said the Squire.

And so it was that the Squire returned to Thorndyke's office with Cook.

Thorndyke was never afterward able to account satisfactorily for the Squire's interest in inducing Cook to appear for the defendant in this case. The best explanation he was able to make to himself was that the Squire's love of appearing in the important role of Judge in a trial got the better of his prudence and discretion.

Although Cook came up to Thorndyke's office with the Squire, he objected to going on with the trial at that time, saying that it would be necessary

for him to have an opportunity to investigate the matter with his client; and so it was arranged that the trial should take place that afternoon at two o'clock. Cook also suggested that his office, being larger and supplied with more chairs, was a better place in which to hold the trial, and so the hearing was adjourned to that place. Thorndyke was rather disappointed at not having it in his own office, as he thought it would better advertise his business: but nevertheless he made no serious objection to the change; for, while his own office would only accommodate nine or ten persons, Cook's was ample for twice that number.

Thorndyke took the opportunity afforded by this adjournment of going over the evidence with Mrs. Gregoire and Kelley, the latter acting as interpreter, and thus making sure that the understanding which he had gained from his conversation with her in the morning was correct.

At a little before two o'clock in the afternoon our hero, escorting his client, repaired to Cook's office. The Squire was already there, together with about twenty spectators, mostly men of the idle class, who spend the larger part of their time in the grocery stores; but who, nevertheless, are not to be despised, for they are not without influence in forming public opinion. Narcisse and the deputy next appeared accompanied by Kelley, and all seemed ready for the trial to proceed.

The Squire now arose and, thumping on the table

with the knuckles of his right hand, proceeded to open court. This is usually a very informal matter in a Justice Court, the magistrate simply saying to counsel that they may proceed; not so, however, with Judge Pillsbury. The Squire had attended sessions of the Supreme Court at Lancaster and had been a juror in the United States Circuit Court at Concord, and had seen sessions opened at both places. He had selected what he considered the best from the form in use in each and used the blend in opening his Court.

Raising his voice he made this proclamation:

"Hear ye! Hear ye! Hear ye! All persons having any business before this Court held here this day will now draw near and give their attendance, and they shall be heard. God save the State and this honorable Court."

In this eagerness to get the trial started Thorndyke had worked with the others in arranging the office, and had neglected to remove his hat, which led Cook to remark to the Squire:

"It seems to me that a decent respect for the dignity of this Court should induce an attorney to remove his hat."

The suggestion of the dignity of the Squire's Court had the effect which Cook had anticipated, and the Squire sternly ordered our hero to "uncover."

Thorndyke did not comprehend at first, and it was not until the Squire had again commanded:

"Uncover, sir, uncover," that he had sufficient presence of mind to remove his hat.

To the casual reader this incident doubtless seems trivial, and he may well wonder why it is recorded, but to the legal practitioner it will be different. He will realize at once that all ordinary young lawyers are a bit nervous when they begin the trial of their first cases, even if they seem to be unimportant. But a lawyer's first case is never unimportant—to him, at least. Censure from the Court just as one is about to open the case does not tend to quiet the nerves.

Notwithstanding this inauspicious beginning, Thorndyke proceeded with the trial.

He had only one witness, the complainant herself, as no one but she and her husband had been present during the altercation. Kelley having received the oath as interpreter, and Mrs. Gregoire, by his assistance, having been sworn to tell the truth, the whole truth, and nothing but the truth, testified in substance as follows:—

Direct Examination by Thorndyke: "Live in Berlin; have lived here for last five years. Age forty. Married respondent twenty-one years ago and still live with him; keeping house in a small tenement near this office. This morning at about six o'clock arose and commenced to get breakfast for self and husband. While so doing husband, without any cause or provocation, struck witness twice with iron stove-poker over the head, inflict-

ing injuries and creating two wounds described in the complaint (which wounds were exhibited to the Court for his inspection). Don't know what induced husband to such conduct. Had done nothing to provoke such conduct from him."

When this evidence had been elicited in response to Thorndyke's questions he turned the witness over to Cook for cross-examination with the usual, "You may inquire."

Cross-examination by Cook: "Ask her what she was saying just before she was struck," said Cook to the interpreter.

"She says 'nothing,'" said Kelley, after communicating with the witness.

"Now I will ask the question in English and you will repeat it to her word for word in French," said Cook to the interpreter, then turning to the witness he asked:

"What did you say last before you were struck?"

"Nothing, mister."

"What! hadn't you spoken that morning?"

"Yes."

"Then what was the last thing you said before you were struck?"

"Nothing, mister. It was only in French."

Cook arose and advanced toward the woman.

"What was the last thing you said before you were struck, French or English?" he demanded sternly, with raised hand.

"Don't remember, Mister."

"Did you not then call your husband a vile name?" with stern determination.

"Ah, mister, it was only in French."

"Then you did call him a vile name in French?"

No answer.

"I demand on your oath if you did not before you were struck, in French call your husband a vile name."

Still the woman hesitated.

"Answer," said the Squire.

"Anyway," she said, "he had no business to strike me."

"I object," said Thorndyke; "the question is irrelevant and incompetent. What she says is true: 'Anyway he had no business to strike her.'"

"I think it is legitimate cross-examination," said the Squire, using a phrase he had heard at the Supreme Court at Lancaster, and speaking in what he evidently considered a judicial tone. "She may answer."

The question was repeated.

"Yes, mister, but it was only in French."

"That's all," said Cook triumphantly.

But before the witness had left her chair he stopped her and said:

"Oh, by the way, are not you and your husband members of the Roman Catholic Church?"

"I object," said Thorndyke, "I hope it isn't necessary to inquire into one's religion when a

complaint for such an inhuman assault as this is on trial."

"Objection sustained, question excluded," said the Squire; and then the witness left the stand.

This closed the evidence for the prosecution, and the defense proceeded with its case.

Narcisse was called and being sworn testified by means of the interpreter in substance as follows:—

Direct Examination by Cook: Live in Berlin; have lived here for past five years. Mary Gregoire is my wife. Have been married twenty-one years. Have no children. This morning got up to build the fire so Mary could get breakfast. Had not been drinking. She did not get up when the fire was built. Asked her to get up. She would not. Told her she was lazy. Was poking fire with poker at time. She was in bedroom off kitchen, not more than six feet from where I stood. She got partly out of bed and told me she would get up when she got good and ready. Would not be bossed round by an old fool like me. Told her to keep still or I might forget myself and do her an injury. She laughed and said I did not dare to forget myself; that I was always telling what I would do, etc.; told her not to call me that name again. She said I was a fool and called me bad names. Forgot myself and before I knew it, had struck her; but did not strike hard, only enough to let her know I was not afraid. Don't think I struck with stove-poker, but won't say I did not. May have done so.

Cross-Examination by Thorndyke:

"Do you think it a proper thing for a man to strike his wife over the head with an iron stove-poker in that way?"

"Have to, me; no get divorce lik Yankee man. Man mus 'kip de ord' in hees own hous," broke in Narcisse, using a French Canadian brand of English.

"What do you mean by no divorce?" asked Thorndyke.

"Priest won't let her," said he.

"His church teaches that it is wrong to get a divorce: 'The priest won't let him,'" said Cook by way of explanation; thereby bringing out the point which he had in mind when stopped in his examination of the complainant by the objection of Thorndyke.

This closed the evidence, and according to the practice in New Hampshire, the next thing in order were the arguments. One argument only on a side is allowed. The defense argues first.

Cook accordingly arose and spoke as follows:

"May it please the Court," with a bow in the direction of the Squire, "the respondent, my client, is married, hopelessly married, to the complainant. For him there is no release. Neither complainant nor respondent believes in, or would practice, that wicked makeshift of modern times—divorce; a makeshift which both believe to be a crime against God and his sacraments. However much they may

differ in their dispositions, habits, tastes, likes, and dislikes, though affection becomes indifference, indifference antipathy, and antipathy develops into positive hate; still for them there is no escape. Having united their lives for better or for worse until death should them part, together, side by side, must they travel life's journey until death shall release one from the yoke and leave the other to finish the course in silence and alone. One they were made, as they believe, at the altar, and one they are, and must remain.

"But it should not be supposed that human nature is changed by a ceremony, although that ceremony be a religious rite. Evil passions are too deeply ingrained to be eliminated by a sacrament. Our natures are too diverse to be made uniform by marriage, and notwithstanding the marriage relation, quarrels, dissension and strife have arisen between Narcisse Gregoire and his wife.

"Perhaps not all of the blame attaches to either side; but I am convinced that the fault lies chiefly with her. My client is a man of peace; too small of stature and of too retiring a disposition to engage in public brawl or private quarrel, and without the means to enter the society of the rich and the proud, or the festive and gay, his home is his all. And such a home! Through no fault of his, it is not what he, in fond anticipation before his marriage, had pictured, not what it might and should have been.

"I am betraying no confidence; I am not going outside the evidence of this case; I am within the limits of legitimate argument when I say to this Court that my client is wedded to a shrew, a virago, one who by her words and acts imitates the language and conduct of men of the baser sort, and who is wholly wanting in those feminine attractions which alone are admirable in woman.

"What are the facts before this Court? These: My client, a hardworking, honest man, gets up in the morning and, of course, has to have his breakfast before going to work. He builds a fire in the kitchen stove and asks his spouse to arise and get breakfast for him.

"And what reply, let me ask, does she make to this very reasonable request? Does she say that she is ill and not able to arise? No. Does she say that she is tired and sleepy, and does she ask to be excused on that account? Not at all. She offers no excuse, she makes no explanation. With insubordination written on her face and in her every act, she partly arises, evidently to show that she can if she will, and flatly declares that her convenience and inclination, and hers alone, not his, shall govern her conduct.

"Was there anything in his request, a very reasonable and proper request, I submit, was there anything in his reasonable and proper request to merit such response? No. Might he not very properly have characterized her conduct as per-

verse? Most certainly. But he does not; he selects a milder term and tells her, what seems to be the truth—that she is lazy.

"Does this soft answer turn away wrath? No. Still persisting in her unwifely conduct she casts a foul imputation upon the character of my client's mother, using insulting epithets, which no lady would employ, and which I will not repeat.

"Is it human nature to submit tamely to such an insult? How, let me ask," with a gesture toward Judge Pillsbury, "would this Court feel if this Court, in an unlucky moment, had been married to Mary Gregoire, this complainant, and she had cast such a slur upon the character of the mother of this Court, simply because this Court wanted his breakfast? I think I know this Court sufficiently well so that I may presume to assert that the anger of Narcisse Gregoire was a summer zephyr in comparison to the tornado of wrath which, under such provocation, would have swept the bosom of this Court. The conduct of my client was mild in comparison with what we should expect. He warns the complainant that his patience is verging on exhaustion; but she pays no heed to his warning, repeats the assertion in a particularly offensive manner, and is visited with the punishment which she had courted, which she merited, and of which she now complains.

"What else, let me ask, could my client have done? To quietly suffer such an insult to go un-

answered and unpunished is beneath the dignity of a man. That thought is not to be tolerated. What, then, was the remedy? Our learned Chief Justice, Judge Doe says that there is no wrong without its appropriate remedy? Here was a manifest wrong. What, then, is the remedy? If this Court had been married to this complainant and the insult had been offered to him and his, this Court, after the first tempest of his wrath had subsided, would doubtless have sought consolation in the Courts. He would have applied for a divorce. He would have refused to consort longer with the foul slanderer. But this course is not open to the respondent. For him there is no divorce. He is estopped by his religious belief.

"Neither would a criminal prosecution avail. Whether or not a complaint for criminal slander would lie, I am not at this time prepared to say. It seems to me that it ought to, even if it will not. But, assuming that it will, wherein the profit to my client? Let us suppose that a warrant is issued for her arrest. Who pays the lawyer that draws it? My client. Suppose an arrest is made. Who pays the officer? My client. Suppose the case be brought before this Court, who must advance the Court fees? My client. Suppose the Court on such complaint finds her guilty, as beyond doubt he would, and a fine is imposed. Who, let me ask this Court, must pay the fine? My client. This complainant has no means of her own, as her counsel

doubtless already knows. Attorneys' fees, officers' fees, court fees, and fine would be paid from the pocket of my client. Being his wife, he could not let her go to jail, and for the same reason he must pay her bills. Clearly a criminal prosecution in his case would be cutting off one's nose to spite one's face. A civil suit would result in the same way for the same reason.

"It must be plain that the Court can afford no relief to my client. If, as Judge Doe asserts, every wrong has a remedy, and, if there is a remedy for the foul slander cast upon my client by the complainant, that remedy must be found outside the courts. It must therefore be one which my client can invoke in person and himself apply. The principle must be the same as that which allows one who suffers special damages from a nuisance to take the law into his own hands and abate it.

"Let me call the Court's attention to an illustration with which the Court is familiar" (Cook knew that Pillsbury knew nothing about it): "If my neighbor further down the stream without right raises a dam which floods my house and premises, he creates a nuisance; and I am not obliged to wait the tedious process of the law, but may enter upon his premises and cut down the dam, thereby abating the nuisance.

"I submit that this complainant is a nuisance and ought to be abated. At least she should be taught to keep a civil tongue in her head. I ap-

prehend if we turn to the authorities we shall find light to guide our investigations, light which will lead us to a proper and just judgment."

Here Cook paused, took a law book from the table before him, and opening at the page where a piece of paper had been placed between the leaves, proceeded:

"Blackstone, Volume 1, page 444, says: 'The husband, also by the old law, might give his wife moderate correction. For, as he is answerable for her misbehavior, the law thought it reasonable to intrust him with this power of restraining her, by domestic chastisement, in the same moderation that a man is allowed to correct his apprentices or children, for whom the master or parent is also liable, in some cases, to answer.'

Here Cook laid down the book, took up another and proceeded:

"I now desire to call the attention of this Court to an authority nearer home: to the case of Poor v. Poor, reported in the eighth New Hampshire Reports, beginning on the 307th page.

"Poor v. Poor is a divorce case," he continued, "and the charge is extreme cruelty. Mrs. Poor sought a divorce on the ground that she had suffered personal violence at the hands of her husband. The evidence disclosed the fact that such violence had been occasioned in each instance by her own language or conduct. The Court held that inasmuch as she had brought upon herself the violence of

which she complained, she had no just cause of complaint, and refused to grant the divorce. In one of these encounters a crowbar, a much more dangerous weapon than a poker, if it please the Court, figures, and Chief Justice Richardson says:

"'In the skirmish which ended in his taking the crowbar from her, she seems to have encountered some of

> "'The perils that environ
> The man that meddles with cold iron.'"

and to have been rather roughly handled. But considering the irritable temper of the husband, it seems to us that she escaped with quite as little injury as she could have had any right to expect, in such an attempt to take his castle by storm.'"

"If Nicodemus Poor," demanded Cook, "might properly use an iron crowbar in a controversy with his wife about religion, why, let me ask, might not little, inoffensive, Narcisse Gregoire use so delicate an instrument as a stove-poker, when confronted by the insubordination of his masculine wife, in which she not only withstood his authority as head of the family, but went farther and threw aspersions upon the memory of the dead?"

Here Cook laid down the book, and then continued:

"Such, may it please the Court, is the law, and such it ought to be. No woman should have a right to reproach her husband with impunity nor with

immunity. Since our courts can afford no remedy, the individual injured may and must. If my client cannot restrain his wife from such language, what can he do? If he can not restrain her, who can? I answer, no one. We should have an injury and no remedy; damages and no compensation.

"I ask of this Court for my client his legal rights, nothing more, nothing less. Give us the cold law, uncontaminated by prejudice, unrestrained by sentiment. Let this Court weigh the evidence in conjunction with a careful consideration of the law; and having done so, let him decide, as of necessity this Court must, that this respondent was well within his legal rights, when he, by such necessary force, and no more, abated the nuisance of a wife's slanderous tongue, and awed it into silence. And, having reached this righteous decision, let this Court go to his home, there to dwell in that domestic peace and order which he had always enjoyed and maintained, an example to all husbands; and with the proud consciousness that while this Court is in existence, and has the tranquility of this community in his custody, the trust will not be betrayed; and with the further assurance to the community that slander by a wife of her husband and his family will not be tolerated or condoned. A solemn duty thus performed will bring its own reward.

"May it please the Court, I move that the respondent be discharged from further attendance

upon this Court and from the further custody of the law."

Here Cook closed his argument, and resuming his seat closely observed the Squire and our hero to note the effect upon each.

Narcisse had never before been the subject of a lawyer's discourse, and though he could not understand it all, he still comprehended enough to feel that in some way he was both a martyr and a hero, and an expression of heroic self-sacrifice rested on his countenance.

The effects produced upon the Squire and upon Thorndyke had been essentially different.

The Squire's self-esteem had been deftly touched, and a complaisant look of contentment rested upon his features. It was different with Thorndyke. He clearly saw that it was not so easy for a young man to beat an experienced practitioner at his own game. He abandoned his scheme to astonish the natives, and was himself astounded and well-nigh dumfounded. Cook's defense was a complete surprise.

But an argument was expected from him, and he did what every beginner, under such circumstances, should. He stood up on his feet and answered, as best he could, Cook's positions. After a minute thoughts began to come to him and his argument was creditable, if not convincing.

It may be that no one could have won this case, for Cook had obtained a decided advantage when

he had secured from the Squire a promise of fair ttreatment, if he would come and defend.

After hearing Thorndyke's argument, the Squire rendered his decision, discharging the respondent; and that gentleman was allowed to depart, as Cook had requested, "from the further custody of the law."

Notwithstanding all which the author craves leave to assure the reader and the general public as well, that by the laws of New Hampshire, even if he does feel cross when he gets up in the morning, and even if his wife is saucy, a man has no right to whack her over the head with an iron stove poker.

CHAPTER III.

IN WHICH THE READER MAKES THE FURTHER ACQUAINTANCE OF THE SQUIRE.

FEW things gall a lawyer more than to lose a lawsuit which he had expected to win. He will probably feel as bad as the client. He may not have as much at stake in that particular suit, but is apt to think that his earning capacity depends in a measure upon his ability to win. Failure to win when the merits are with you is particularly disgusting and discouraging.

As soon as the Squire announced his decision dismissing the case against Narcisse, Thorndyke left Cook's office and went to his own. How small and weak he felt! He had gone forth expecting to return with a decision in his favor, expecting to win his first case; and he returned after having lost it, and having lost it too in such a way that he could not understand how it was done.

As he had time to think the case over, and especially to analyse Cook's argument somewhat, the more he became convinced that he was right and Cook and Squire Pillsbury were wrong. Cook had

argued that words were a justification for an assault and battery. Stripped of its rhetoric, his argument amounted simply to that.

But such could not be the law! Why one assault and battery justified another only when done in self defense. If a man attack me I may defend myself against bodily harm, and in so doing may, if reasonably necessary, use violence towards my assailant; but my right is limited by my necessity. If, having repelled his attack, and being no longer in danger of bodily harm, or in reasonable fear of such, I proceed further, and make an assault upon him and do him an injury, I am criminally liable, since I can excuse my attack only by the fact that he had first assaulted me, and then only so long as was necessary for my protection.

These principles are elementary and fundamental. But words, mere words, never do bodily harm. They never break bones or even give black eyes. Narcisse Gregoire didn't get his scalp cut by anything his wife said. Since words cannot do bodily harm, it would seem that only when they indicated an unmistakable purpose to do an injury, coupled with the present ability to do so, could they be considered an excuse for an assault. The words used by Mary Gregoire contained no such threat. They might be annoying; but there appeared to be no element threatening danger in them, hence they were no justification for the assault which Narcisse had committed. It all seemed plain enough when he had

time to think it over. Why wasn't Squire Pillsbury sharp enough to see the falsity of Cook's argument?

But then, the Squire had never studied law, and should not be presumed to know what the law is. However, it was so plain to Thorndyke now, it seemed as though the Squire should have seen it. If only he could try the case over again; but it was too late.

Would he always forget to do the right thing at the right time? A man to practice law evidently had to have his wits about him, and not to be thrown down in that way by surprises. But we need not follow our hero in all his musings and self-denunciations.

Suffice to say, that the longer he thought of it, the more convinced he became that Narcisse ought to have been convicted and fined, and the greater the injustice of his acquittal seemed. All of this had a depressing effect on his spirits, for the plainer the case appeared to him, the more he blamed himself for not having made it equally plain to the Squire.

He finally came to feel that he never could win a case, was not fitted nor intended for a lawyer, and worse still, that, having lost his first case, he would probably never be given another; consequently he would have no opportunity to recover a reputation which he conceived to be lost. But for all of this, something restrained him from giving up entirely,

and though he thought of home, it did not occur to him to go there.

As he sat thus alone with his feet upon the table, he heard a step upon the stairs, but he made no effort to conceal the fact that he was idle. However, as the footsteps reached the top of the stairs, he took his feet from the table, when in came Squire Pillsbury.

Although Thorndyke had been in the town a week, the Squire had never come into his office until that day, and he was somewhat surprised to see him enter now.

"Afternoon," said the Squire, going to the table and placing upon it a roll of paper, and then moving toward a chair.

"Afternoon," said Thorndyke, dropping into the vernacular.

The Squire filled his pipe and producing a match and lighting it, held it in his hand while the sulphur burned off.

"'Low smokin'?" said the visitor, just as he was bringing the light to his pipe.

"Certainly, smoke all you want to," said Thorndyke.

"Well, you got fixed up shipshape and all right, I see, h'aint ye?" said the Squire, glancing around the room.

"I haven't as many books as I wish I had," said the other.

"You'll get them when you need them," said the

Squire, still apparently determined to take a cheerful view of things.

Thorndyke made no reply.

"How's business?" inquired the Squire after a short pause.

Thorndyke hesitated a moment.

"Promising," he answered, for he was beginning to get his courage back and determined not to let the Squire know that he was doing nothing. Promising it might be, but it was nothing but a promise so far.

"That's good," said the Squire heartily. Then he continued: "Lordy, yes, there's business enough here for mor'n forty lawyers. Cook and Dooley both have all they can do, working tight's they can jump night and day."

Happy the state of Cook and Dooley. Thorndyke made no reply.

"That was an interesting case you had this afternoon, wasn't it?" asked the Squire, starting the conversation in another direction.

"Yes," assented Thorndyke.

"Yes, and I should say a pretty close question too," said the Squire, "but the fact is, I don't think much of a woman's getting her husband arrested for every little thing like that. Now, do you?"

"I shouldn't have made out the complaint and warrant if I hadn't thought it was right," said Thorndyke.

"Oh, yes, of course it was right that she should

have him arrested if she wanted," said the Squire. "I don't blame you any for that, you understand; but I don't uphold the principle. You tried the case well, though. She can't find no fault with you."

"Do you think so?" asked Thorndyke, surprised. "Why, I thought I didn't do anything."

"First rate; yes, sir. Why at one time I had some doubts just what I ought to do, and didn't know but I should have to go and see Chet, but I finally got it straightened out all right in my own mind."

"Chet?" inquired the young man.

"Jordan," added the Squire, "Chester B. Jordan. Know him?"

"No, but I've heard of him. Partner of Drew, and lives at Lancaster, doesn't he?"

"Yes. He's one of the smartest lawyers there is anywhere around here, and an awful accommodating man. Nothing stuck up about him, nuther. Why, he'd set down and talk with you or me just's quick as he would with anybody else. I calculate to go pretty straight and do what's about right; and when I have a case that bothers me, I hold my decision till I have a chance to see him, and he always sets me right."

"I wish to the Lord you'd seen him in this case," said the lawyer somewhat hotly.

"Why so?"

"If you had asked him the law, he would have told you better than to hold that a scolding wife

could be lawfully beaten in New Hampshire with a stove-poker by her husband."

"Think so, really?"

"I know so. There isn't any doubt about it."

"Well, of course I don't know the law very well, and I may have been wrong. I guess I had ought to have seen Chet."

There was a slight pause, then the Squire continued:

"Why don't you take the case before the grand jury at Lancaster next fall? You know my rulin' don't hinder you from doin' that."

"I am afraid it does," said the lawyer.

"Dudley of Colebrook, is county solicitor, and he'd tell the grand jury just what the law is. He'll give you a fair show, Dudley will." Then, after a slight pause: "Why didn't you have some authorities, same as Cook did? They would 'a' helped me out some if you had."

"I didn't know Cook was going to make any such claim as he did."

"No, of course you didn't. Nobody would. You tried the case first rate; but of course you didn't know, and couldn't know, don't you see, that Cook was goin' to take the tack he did. I didn't know it myself. Now take a fool's advice and take the case to the grand jury, and everything will be fixed up straight's a string."

"Well, I'll see," said the lawyer, but he knew that the case was ended.

There was a short pause, and then the Squire asked abruptly:

"You're a Democrat, I suppose, ain't ye?"

"I came from Vermont," said the young man, which both men understood as equivalent to saying that he was a Republican.

"Yes, I know, but there's some good Democrats in Vermont."

"I'm not one of them. What there are, are good enough, I s'pose, but they are not very numerous," said Thorndyke.

"It would be a good deal better for you here to be a Democrat. Town and county goes that way, and we keep crawlin' up on the State."

"I was born a Republican; father, grandfather, and the whole family always voted that way."

"'Twouldn't do no hurt if some on ye voted t'other way."

"A man who keeps shiftin' round from one party to the other doesn't amount to much in politics."

"Well, perhaps that's so. You know better what suits ye best, and what's best for ye, I s'pose, than I do. Where do you go to church?"

"Home Baptist mostly."

"No, but where do you go when you go anywhere? You do go somewhere sometimes, don't ye?"

"If I followed my bringing up I should go to the Congo,* but as it is, I don't go anywhere much."

* Congregationalist.

"Guess you're lookin' for the same church Uncle Hiram Fletcher was, ain't ye?"

"Don't know. How's that?"

"Ever know Fletcher?"

"No."

"Used to live at Lancaster. One of the smartest lawyers that ever stepped a foot into a court house. Been dead five years. He wa'n't no great shakes at goin' to church nuther; but for all that, the ministers all used to like him pretty well. One day the Congregationalist minister met him on the street. 'Why don't you come to church, Mr. Fletcher?' he says.

'There ain't no church round here that suits me,' says Hiram. You know they've got 'most everything over there to Lancaster from Roman Catholic to Congregationalist, and Christian Science, and the minister thought it kinder queer he couldn't git suited. 'Where do you want to go,' says the minister. 'Where they don't meddle with politics nur religion,' says Hiram. Guess that's 'bout your cut, ain't it?" said the Squire, addressing his question to Thorndyke.

"Perhaps so."

"I hain't got no axes to grind, nor chisels to whet," said the Squire; "but you jest let me tell ye what to do about religion. The 'Piscopal church's about 's nigh right as ye can get. They've got religion 'nough, such as 't is, and it's good 'nough too, what there is on 't, and the great beauty on 't

is that ye can git just as much or just as little on 't as ye want."

"That's a recommendation, certainly," said Thorndyke.

"My idea exactly," said the Squire.

"Do you think the Episcopal Church would have suited Mr. Fletcher?" asked Thorndyke, with a smile, for this seemed to him to be a hard question for the Squire to answer. But the Squire was equal to the best in repartee.

"Don't know as he ever tried it. Don't think he did," the Squire answered blandly. Then he continued.

"I ain't no great church-goer myself, you understand. Guess I don't average to go oftener than every other week, if I do as often as that; perhaps not oftener than once a month in the summer time. But my women folks, they both on 'em go; my wife she wants to be on hand every time there's anything doin', and as there are a lot of feasts, fasts, and what-not, it keeps her pretty busy, and that's what she wants. Belle goes pretty regular, too; but I think she's inclined to take after the old man a little on that. Belle sings in the choir, and, of course, has to be there most of the time."

"Well, I'll see about it," said Thorndyke.

"Just so," said the Squire as he arose, as if to go; then he continued: "Now don't be cut up because you happened to lose a justice law suit. About the first thing a lawyer has got to do is to learn to be a

good loser. Lordy, there's lots of them coming, and you'll get your share of the decisions."

"I should not have felt so badly about it," said Thorndyke, acknowledging for the first time that he had been disappointed, "if this had not been my first case; and besides, it was such a sure case, I didn't see how I could lose."

"There ain't nothin' sure but death and taxes," said the Squire. "There never was a lawsuit that was worth a hundred cents on the dollar till it had been put into a judgment and collected."

The Squire then advanced to the table and, taking up the roll of papers which he had brought with him, said:

"I have been out of town or I should have been in to see you before. I do the Justice business here, and I thought you might want some writs, and I signed a dozen and brought them up with me."

"All right, I'll take them."

"There's a dozen of them," said the Squire, handing the package to Thorndyke. "The fee is ten cents apiece, but I let Cook and Dooley have them for a dollar a dozen. They always pay cash."

Of course Thorndyke would not be outdone by Cook and Dooley, so he gave the Squire a dollar.

The Squire pocketed the money, knocked the ashes from his pipe, placed it in his vest pocket and proceeded to the door at the head of the stairs leading from Thorndyke's office, then turned and said:

"There's plenty of law business layin' round here,

and you're bound to get your share; you just keep a stiff upper lip, and a high toe-nail, and vote the Democrat ticket, and you'll come out all right."

"And go to the Episcopal Church," added Thorndyke.

"And go to the 'Piscopal Church," assented the Squire, and then holding up his right hand he added the salutation, "So long."

Whereupon, as the Squire turned to go down the stairs, Thorndkye returned the salutation, "So long."

CHAPTER IV.

CONTAINS SEVERAL ITEMS OF INFORMATION ABOUT "OUR HERO," NOT PREVIOUSLY DISCLOSED.

THE same amount of money has different values at different times and in different places—wealth is a relative term. Suppose you live in Berlin, but have gone down to Boston for a pleasure trip; your vacation is drawing to a close and you intend to go home in the morning. With a return ticket and twenty-five dollars left in your pocket you are in opulent circumstances.

You meet a friend and invite him to dinner; at dinner you order a substantial repast with a bottle of wine, and you propose the best theater in the city. When you reach the theater you buy three-dollar seats, and insist on paying all bills.

Eliminate ten dollars, and with a ticket and fifteen dollars you are still forehanded. You have enough for your own needs, you may even invite the friend to dinner, but you forego the wine, and you let him propose the theater and pay for the tickets.

Eliminate ten dollars more, and you are beginning to feel the pinch of poverty. You find a less

expensive hotel, and if you go to an entertainment, you select one with a small admission fee, and you select a back seat. In fact, you are taking a back seat all round.

How much more valuable this five dollars than the first five of the twenty-five. That was a luxury to be donated to a friend; this is a necessity.

Eliminate this five dollars and you are homeless in a great city where you must spend the night in discomfort on the common, on the street, or wherever the police will let you stay. For food you patronize the free lunch furtively, expecting to be ordered out because you do not order any beer.

Still, you have the ticket, and with that you can return to your home, where you have employment; and as for food and shelter, you argue to yourself that it does not hurt one to rough it a little once in a while.

But eliminate the return ticket, and where are you? It would only cost between six and seven dollars; but it represents home, a job, everything. With a ticket and five dollars you are poor, but comfortable; without the five dollars you are poor and uncomfortable; without the ticket your a tramp.

At the time when the Squire separated young Thorndyke from his money, as related in the last chapter, Thorndyke was nearly in the poor and uncomfortable state, and felt that he was rapidly approaching the tramp state.

After the Squire went out Thorndyke resumed his

posture with his feet on the table and continued his musings. While he is thus engaged it may not be amiss for the reader to learn a little more of him and his circumstances.

Thorndyke had not had the advantage of a college education, or of a course of study at the law school, which may explain, to some extent, his lack of knowledge of the world. To use a common phrase, he was green, and had no very definite idea of what the world outside of life on a farm really was. What general education he possessed had been acquired at home on a farm, and at intervals at the neighboring academy. This had been followed by three years of study of the law, partly in a lawyer's office, and partly by himself. He had passed his examination, and had been admitted to practice in Vermont; but his knowledge of the world was limited.

He had, too, very little of what in government circles is called diplomacy, and in ordinary affairs is called tact. A little incident which occurred when he was leaving home to go to Berlin, and which resulted in a misunderstanding with his father, illustrates this phase of his character and may not be amiss here.

Young Thorndyke had read Darwin's "Origin of Species," and later his "Descent of Man," and had been converted to the theories therein advanced.

So much did this subject and its relation to current beliefs occupy his mind that he often intro-

duced it in conversation, sometimes to the annoyance of others. To such an extent had he done this that he was considered a crank on the development theory, or the Darwinian Theory, as it was then called. His father held to the doctrine then generally prevalent, and which was supposed to be supported by the Scriptures, that the human species had been brought forth by a single act of the divine power, in short, in special creation.

The evening before leaving home the young man had trotted out his hobby, and a warm discussion between him and his father had followed.

It had been a beautiful day, and as they sat on the porch in the twilight the young man observed:

"I suppose the reason why we feel pleasure in living such a day as this is because our ancestors from remote antiquity have experienced the same delight. A climate where the sun is bright and a locality where the earth is fertile, in the early ages of human life, were more conducive to his development and advancement than where Nature is less kind and the climate more rugged. Hence for a long time only those individuals who lived in a favorable climate were able to survive and make progress. Civilization, we are told, first began to show itself in the valley of the Nile and the valley of the Euphrates. We are experiencing to-day in the genial sunshine the same feelings that our prehistoric ancestors did when they pitched their tents in those fertile valleys."

"I hope you won't always be so carried away with that Darwinian nonsense," said the father.

"Well," said the young man, "it seems to me that the development theory as taught by him is more probable than any other which has been advanced."

"What are you going to do with the Bible?" asked the elder man with a stern directness. "The Bible says that God created the beasts of the field, and then created man to have dominion over them. Was it as the Bible says, or as Darwin says?"

The question seemed well-nigh unanswerable to the young man. It would never do to say that the Bible was wrong or was not a final authority, for in addition to advocating the rankest heresy and disputing an obvious and conceded fact, the young man knew he would grieve his mother if he manifested any symptoms of religious unbelief.

"Perhaps," suggested the young man, "God created man in the way Darwin described."

"Would that be creating man out of the dust of the ground and breathing into his nostrils the breath of life?" demanded the older man.

The young man was silent. What could he say in reply?

"If man is descended from the monkeys, where and when did he get his immortal soul?" continued the elder. "It is his immortal soul that marks the distinction between the human and the brute."

"Darwin's arguments in favor of his theory seem

reasonable," said the young man evasively, yet doggedly.

"I suppose," said the elder man, "that you want to believe that you are descended from a monkey or some such critter."

"Well," said the young man, still ignoring the elder's sarcasm, "I believe it is generally conceded by those who accept the development theory, that prehistoric man was allied to the monkey tribes, and in a period long past they have had a common ancestry."

"Well," said the elder man, "if you want to call yourself a cabbage-head, do so, but as for me, I won't."

"If I am, you must be, for you are one generation nearer the common origin," said the young man.

These sarcastic rejoinders concluded the discussion.

It was closely allied to the treatment which the subject was then generally receiving. If we might believe the clergymen, the worst man that the world had ever seen, to be despised not only for his ignorance, but his wickedness, next to Judas Iscariot, was Charles Darwin.

It is difficult for a man to modify his belief after he has reached maturity. To concede that man has been developed instead of being specially created, would have required of the elder man that he should revise the whole structure of his religious faith; and this he, like many others, flatly refused to do.

"Well," said the younger man, bringing up a new subject, "how am I to get to the station to take the train in the morning?"

"Can't you walk?" said the older man. It was only a distance of eight miles.

"I suppose I can," said the other, "I have walked it before, but I thought as I was going away from home to-morrow, perhaps you would carry me."

"It would be better for you to walk to the station and ride home when you come next time, than to ride to the station and walk back next time," said the elder.

Instantly the young man formed a determination that when he did return, he would ride, if he had to wait ten years, and it would not be his father's team either.

The father was not unkind, but he knew that his son was about to meet new conditions for which he was not thoroughly prepared, and he saw no better way of teaching him self-reliance than by reminding him at the start that he had little to expect from the assistance of others, including his own family. It may be that he had hoped and expected, that the young man would form the resolution which he did.

Accordingly our hero had sent his baggage to the station by the mail carrier, and himself had gone on foot.

All of this had happened a week before the trial

of the celebrated case of State v. Gregoire, narrated in a former chapter.

Thus it was that Thorndyke had been in Berlin a week when he tried to try, as he put it, "that celebrated case." He had come on the recommendation of a lawyer friend who had been in the town on business and had been impressed with its apparent activity, and the prospect of its continuous growth.

Thorndyke had reached the place by way of the Grand Trunk Railway in the evening, too late to look about, so that he had opened his eyes upon an entirely new scene when he raised the curtain and looked out of his window at his hotel on the morning after his arrival.

Immediately in the foreground were clusters of houses, some in process of construction, others finished and occupied, while beyond them the stone face of Mount Forist towered abruptly. In the middle of the Valley, but at the easterly edge of the village, ran the Androscoggin, along whose course toward the south loomed partly built mill buildings, chimneys, derricks, and the debris which surrounded the active building operations of the Glen Manufacturing Company. Down the valley, some miles beyond the place where the river starts on its return course to Maine, rose the peaks of the Presidential range: Madison, Adams, Jefferson, and Washington.

After two hours spent in search, two rooms, up one flight, in a small wooden building just com-

pleted, the ground floor of which was occupied as a barber shop, were found, and at once engaged at the rental of twelve dollars per month. They had been intended as a dwelling for a small family, say a man and wife, in which event the owner expected to collect ten dollars per month rent; but he argued to himself that if a laborer could pay ten, a lawyer ought to be able to pay twelve, and he charged the price accordingly.

Such flashes of genius mark the financier.

By the time his office was engaged it was nine o'clock. It occurred to the young man that there were already lawyers in the place, and that it would be courteous at least to call and see them; and he started at once to do so.

First he called upon Richard Cook, a young man a year or two his senior, and the first practicing lawyer to settle in the place. Cook was then about twenty-eight years of age, rather thickset, with a pleasant face, black hair, and dark eyes. When told by our hero that he was about to add himself to the legal equipment of the community Cook said it seemed to him that there were about as many lawyers in the town already as it could support.

"However," he said, "the man who comes to a place first will naturally have the advantage, if he is any good; and, if he is not, he may as well find it out one time as another. Perhaps the more lawyers there are, the more business there will be. As it is now, if anybody has an important case, one that

has any real meat in it, about the first thing he does is to post off to Lancaster where all of the old lawyers are and employ them. Anyway, I hope you will have good luck if you have decided to start in, and I trust our business relations will be mutually agreeable."

This seemed to our young man to be a very nice way for Cook to look at the matter, and he told Cook so, and after a hearty handshake, he went out to find the other attorney.

His name was David Dooley, and Thorndyke found him just as pleasant a man to meet as Cook. Dooley was about the same age as Thorndyke; of medium height, rather spare, with dark hair and pleasant blue eyes. Dooley said there was business enough for three, of course there was. The town was growing fast, people couldn't find a place in which to live; it would be a city one of these days. He had more work than he could do. He would be glad to do anything he could to help Thorndyke along.

Thorndyke said he would like to inquire where he could get a copy of the "New Hampshire Statutes" and the "New Hampshire Digest." He also wanted to know what books he needed for New Hampshire forms.

Dooley told him where he could get the books, and as to the books of forms, he said there were three in New Hampshire—the "Justice and Sheriff," "Probate Directory," and "Town Officer;"

the last two were not used as often by lawyers as the "Justice and Sheriff," which was in fact the young lawyers guide, comforter, and friend. It contained all of the common and ordinary forms in use. The price of the "Justice and Sheriff," "Probate Directory," and "Town Officer" were two dollars and a half each, the "Statutes" were five dollars, and the "New Hampshire Digest," ten dollars.

Thorndyke stayed a few minutes longer, and then went out, feeling that not the least of the attractions of the place were the two young lawyers with whom his business would necessarily call him in contact.

An office engaged, it had to be furnished, and soon a pine table, nine chairs, one of which was a rocker, and three spittoons, had been bought and were on their way to the office.

And then, glory of glories, a sign had to be bought. He found a painter and soon had a sign in process of construction. It was a rush order, and Thorndyke waited to make sure that work had been begun before leaving the painter's shop. That afternoon he nailed it up, though the paint was still fresh and sticky, to the destruction and death of many flies and other insects and the temporary disfigurement of the sign.

What young attorney ever first posted up his shingle who did not stand back and look upon it with admiration? Our hero felt like Cæsar crossing the Rubicon, or like a knight of the olden time who

had flung his banner to the breeze and had engaged henceforth to battle for the weak and the oppressed, —unless, perchance, he should be fortunate enough to get employment from the other side.

While the sign had been building, he had found a carpenter who had fashioned a board for a shelf about five feet long. This he had fastened to the side of the room by means of a couple of brackets, and had placed upon it the few books which he had brought with him. The law books were mostly text-books which he had studied and a few second-hand books which he had bought of an old lawyer about retiring from practice. To these were added a few books of a miscellaneous character; and when all had been placed upon the shelf they made a display as follows:

"Parsons on Contracts," 3 vols.; "Cooley on Torts," 1 vol.; "Story's Equity," 2 vols.; "Chitty's Pleading," 3 vols.; "May's Criminal Law, Student's series, 1 vol.; "Loomis' Trigonometry and Plain Surveying," 1 vol.; (Looked some like a law book, but is of little practical worth to a lawyer); "Anderson's Latin Dictionary," (ditto); "Shakespeare;" "Worcester's Dictionary;" some advance sheets of the Encyclopedia Britannica (not bound); "The Origin of Species;" "The Descent of Man;" "Don Quixote."

He ordered the "New Hampshire Statutes," Morrison's "Digest of the New Hampshire Reports," and the "Justice and Sheriff," "Probate

Directory," and "Town Officer." These came later by express and found a home upon the shelf.

Finally, he had to procure a supply of stationery, ink, and pens, and a supply of legal blanks, and—he had almost forgotten it—an account book in which to make charges for his prospective services.

All of these except the blanks would be obtained in town; and soon he had an inkstand filled with ink, some paper, and a number of pens and penholders lying on the table.

He dipped the pens, and smeared some of the top sheets of paper to make them look like business.

Next he went to Dooley's office and borrowed some blank writs, some forms for mortgages, deeds, etc., learned where others could be bought, and returning to his office, ordered a supply immediately.

By the middle of the afternoon of his first day in Berlin his office was settled, and he was ready to undertake legal business in all its forms and branches, to make collections, to practice in any of the courts of Maine, New Hampshire, or Vermont, or before any of the courts of the United States.

But there was no precipitate rush of clients to his office. True, his sign seemed to possess drawing powers, but not as he had hoped and expected.

We are not prepared to aver that young Thorndyke's sign was the original of that variety of fly-paper so prevalent of recent years, known as tanglefoot, in which the unsuspecting fly is mired in a bog of semi-liquid pitch spread on a sheet of strong

paper; but we are prepared to assert, and, we believe, to maintain by competent proof, that it might have readily suggested the tangle-foot idea. The shining gold leaf of which the letters had been made seemed to excite the curiosity of the flies, and the sticky paint did the rest. In a day or two its surface was adorned at irregular intervals by the mummies of flies embalmed in all stages of growth and development. From it the trained entomologist could have written a fairly accurate history of the growth, decline, and fall of the American housefly.

But, though the sign possessed great attraction for the fly, there its drawing power stopped. For nearly a week after it had been nailed to the doorpost at the entrance, Thorndyke had waited in his office, but no human being, man, woman, or child, to his knowledge, except himself, had crossed the threshold. For flies the sign was a success, for clients it seemed a failure.

When Thorndyke arrived in Berlin he had the few books above mentioned and seventy-five dollars in money. The money had been supplied in part by various members of his family, including his father, and a part he had earned by manual labor on the farm. He had thought it quite a tidy sum when he had it collected; but it seemed like a mere bagatelle when he came to use it in commencing business. He had expected it would have lasted longer and he had hoped to begin earning at once. In this he had been disappointed, as we have seen.

As showing the state of our hero's finances at the end of the first week, we take the following from the front page of his account book:

CASH.

Cash on hand when leaving home			$75.00
By fare to Berlin		$ 3.95	
" Office rent one month (p'd in advance)		12.00	
" " Furniture:			
1 table	$ 3.50		
9 chairs	11.50		
8 spittoons	1.50		
		16.00	
" Board at hotel (1 wk. in advance)		7.00	
" Stationery		2.50	
" Books (sent check with order):			
New Hampshire Statutes	$ 5.00		
Morrison's Digest	10.00		
Justice and Sheriff	2.50		
Probate Directory	2.50		
Town Officer	2.50		
		22.50	
" Legal blanks (sent check)		2.00	
" This book		1.00	
			66.95
Balance on hand			$8.05

When the dollar paid to Squire Pillsbury had been deducted he found himself with only seven dollars and five cents.

Henry F. Marston, long familiarly known to the traveling public as "Henry," at that time kept a hotel in Berlin known as the Cascade House. His

charge for transient guests was two dollars per day; but he had agreed to board Thorndyke for seven dollars a week. When he made the trade Thorndyke had paid a week in advance. He had intended to keep it so paid, but at the end of the first week he found himself barely able to do so. Still the Squire's visit had made things look brighter, and he determined to stay as long as possible.

"Henry" had not required payment in advance. When Monday morning came, Thorndyke went to his office without offering to settle for the coming week, and, as the landlord said nothing, he stayed on credit.

CHAPTER V.

THE SQUIRE "SEES WHAT HE CAN DO."

BUT the Squire had a suspicion of how things were going with the young man. He got to thinking it over during the sermon on Sunday, and as he had said when he went for Cook to defend Narcisse Gregoire, had determined "to see what he could do." So on Monday morning when he called into his favorite loafing place he had the following conversation:

"Mornin', Bill."

"Mornin', Squire."

"What ye think of the new lawyer?"

"Hain't seen much of him yet, only seen him go by oncet or twice."

"What? Don't ye give him any of your collectin'?"

"No, Cook or Dooley has always done it so far. What kind of a feller is he?"

"'Pears honest."

"Got any gift o' gab?"

"Hain't got gaited yet. Can't just tell how fast company he can go in when he gets leveled up."

"How's he goin' to vote?"

"Talks Republican, but I hain't gin him up yit."

"Been workin' on him?"

"Little easy."

"Wall, I've got a little account that I was goin' to have trusteed (garnished); perhaps I might give him that."

"I'm goin' over that way; I'll take it over for ye, if ye want."

Now the Squire had no particular reason for trying to help Thorndyke's business, except the desire which he had that everyone in Berlin should prosper. He had made some money in trade; and had owned what had passed for a pasture; but it was too ledgy and stony to furnish much feed for stock. A part of this pasture had become valuable for house lots, and the Squire was selling it in that way for quite a tidy little sum. The more people in town to buy lots, the better for the Squire.

He would have turned business toward either of the other two lawyers just as quickly if he had thought they needed it.

Before night there had been brought in to Thorndyke quite a number of small accounts on which suits were brought; and as the fees and commission amounted to two or three dollars on each claim, according to its size, the beginning of Thorndyke's second week was, on the whole, quite auspicious; and he charged on his books ten or twelve dollars, most of which he collected before the end of the week; so that when Saturday night came again, he could pay his board for the week past.

CHAPTER VI.

IN WHICH YOUNG THORNDYKE MAKES THE ACQUAINTANCE OF A MAID DIVINELY FAIR.

"WHAT a girl!"

These words were uttered only by the mental consciousness of T. Thorndyke as he sat in one of the front seats of St. Barnabas Protestant Episcopal Church in Berlin on a Sunday morning, not long after the conversation between Squire Pillsbury and himself related in a previous chapter.

He had started from the hotel where he boarded with no very definite purpose in mind other than a stroll to enjoy the fresh air. After a time he had found himself in front of a small, low, wooden building surmounted by the emblem of the cross, and which he knew to be the Episcopal Church. From the sound of the organ, which he plainly heard on the street, he concluded that the service was about to begin. Recollecting the Squire's invitation, and his recommendation of the "'Piscopal Church," he was moved to enter.

When he did he found that the service had begun, but the usher had already spied him and invited him to come forward. As is usually the case when

a late comer is seated by the usher, he was given a seat well to the front. We have observed this practice in all churches, but could never divine whether its purpose is to advertise the fact that one more has been added to the assembly, or to punish the newcomer for being late, and thereby discourage him from attendance again.

How be it, our young man was ushered to a front seat from which, diagonally across the aisle and further to the front, were seated the choir.

The change from the glare of the light in the street to the subdued and darkened twilight within at first made observation difficult; and he had deposited his hat in the usual place beneath the seat in front of him, had settled himself in his seat, and his eyes had become accustomed to the gloom, when, glancing across the aisle to where the choir was seated, Thorndyke had suddenly found himself looking into the eyes of a young person of the feminine gender, not more than a dozen feet away.

No sooner had these two pairs of eyes met than those of the other had dropped, and as they did so, Thorndyke, half unconsciously, made the mental ejaculation with which this chapter began, "What a girl!"

Perhaps we can do no better than to describe to the reader at this time the paragon of feminine loveliness which had called forth this remark.

To begin with, she had the look of a young woman of about twenty years of age. Apparently she

had passed the young girl period; but Time had not yet laid his hand upon the bloom of her cheek or the dimple in her chin. How she was dressed, Thorndyke, when he tried later to recall, could not tell, but he was positive that her costume was both tasty and becoming. She was of medium height, if anything, perhaps rather above the average. Her figure was symmetrical and graceful, her head was well poised on a neck neither long nor short. She had dark-brown hair, clear blue-grey eyes, a good nose of rather more than average length, a firm but sweet mouth, and a rather prominent chin, while the glow of health was present in every feature.

Finally, she appeared to be what she really was, and what, my dear reader, if you are a young woman, I sincerely hope you are, a nice girl.

We are glad to be able to acknowledge the fact that there were in the year 1885, and there are today in these United States, many thousands of nice girls. Doubtless many of these girls are just as nice as the young lady who sat across the aisle from Thorndyke on the summer Sunday of which we write; but no girl that he had ever seen had filled his eyes as she did.

Thorndyke had no recollection of having ever seen her before, and yet there was a familiar look about her. Something told him that he knew, or ought to know, who she was. On the same seat next to him sat one of his young acquaintances, and he turned to him and inquired:

"Who's that soprano singer?"

"The one in the middle?"

"Yes."

"Mrs. Fosdick."

Now Thorndyke didn't care a rap who the soprano singer was; but he was a modest young man, and did not want to come to the point with too much directness. Having made this preliminary inquiry to divert attention from his real object, he continued:

"And the young lady next to her on the end of the seat, this way?"

"Belle Pillsbury."

"Squire Pillsbury's daughter?"

"Yes."

"Oh."

So that was the explanation. She was the old Squire's daughter. That was why she had that familiar look. She had the old Squire's features; softened, it is true, as becomes a woman; but much the same features, nevertheless. It seemed strange to Thorndyke that the strong face of the Squire could be so lovely in the daughter.

And now he tried to interest himself in the service. If he was not religious, still he was not irreverent. The choir had finished, and the rector was about to begin his sermon.

But do his best, Thorndyke could not confine his attention and his thoughts to the sermon. He did

manage to get an idea of the text which was, "And I say unto thee, That thou art Peter, and upon this rock I will build my church; and the gates of hell shall not prevail against it." The text will be found in Matthew, chap xvi, verse 17.

But Thorndyke abandoned his effort to follow the rector's discourse and gave himself up to a contemplation of the beautiful, *i. e.*, Miss Pillsbury.

How charming she would be seated at a table laid for two, pouring tea while he served the steak. And after the supper was over, the table cleared and the lamp lighted, how pleasant it would be to hear the silvery voice, which he felt she must possess, reading from Dickens or some other true artist, those stories of human life where hearts beat and throb. Still looking in the warmth and brightness of the lamp light he could see a cradle rocked by her hand, a cradle in which was the image of them both, the offspring of their love, which she tended with maternal care and affection.

How was he to make this girl's acquaintance? Perhaps if he knew her she would not prove to be so nice as his fancy painted. Perhaps, and quite possibly, she would not be pleased with him; and if he knew her, he might find her cold, indifferent, critical. It did not seem probable; still you cannot tell what a girl is until you know her. He felt that he could not be worthy of her; but, anyway, he would never be satisfied until he had spoken with her.

These and other thoughts of a similar nature oc-

cupied Thorndyke's mind until the close of the sermon. Then he was recalled to the realm of existence and again took note of the proceedings in the church.

For some reason the rector had omitted the weekly announcements; and he made them after the sermon. Among others was a notice of the formation of a class in the Sunday School for young people, and all such were invited to remain and join.

When the service was over Thorndyke found the rector near the door and was again invited to join, the rector explaining that he was desirous of bringing the young people of the church together, both ladies and gentlemen, and he hoped our young man would become a member.

Thorndyke glanced back into the church and saw a seat filled with young ladies, among whom was Miss Pillsbury, and near whom were a number of young men; and concluding that this was the young people's class, he allowed himself to be brought back, and took a seat with the young men.

"This is the new lawyer, I suppose," said the rector, a pleasant. busy little man.

"Yes."

"And your name?"

"Thorndyke. Theophilus Thorndyke."

"Ah, yes, I remember now. Mr. Thorndyke, let me introduce you to the other members of the class."

And the rector, acting upon his own suggestion, proceeded to introduce him to the others, and, among them, to Miss Pillsbury.

Thorndyke had not been a regular attendant at Sunday School for some years; and he flunked ignominiously when it came his turn to answer; but the teacher seemed to expect nothing different, and after the first question or two, hardly waited for a reply.

This arrangement would have suited him to perfection had it not been for the fear that Miss Pillsbury would rate him as a fool, and a stupid fool at that.

When the class was dismissed it happened, by accident, as Thorndyke always after maintained, but by design on his part as charged by Miss Pillsbury, that they came out of the church together.

"That is an interesting minister you have," said Thorndyke, addressing Miss Pillsbury.

"Do you think so?"

"Yes, very. I was interested during all of the sermon."

Which latter was true, but his interest was not in the sermon.

By this time they had reached the sidewalk and Thorndyke walked by Miss Pillsbury's side, as of course he must if they continued to converse.

"Now that you have found your way to our church and find the service interesting, I hope you will continue to attend," said Miss Pillsbury.

Whether she had noticed his inattention and was guying him, our hero did not know, but he had a suspicion that she was. However, he chose not to so understand it, and replied that he hoped he should continue to find the service as interesting, and if he did he certainly should attend.

By this time they had reached the street corner where she turned from the Main Street to her home, while he continued on to his hotel.

He attended the evening service, and mustered courage to ask permission to escort Miss Pillsbury to her home, which she graciously granted; and even invited him to take a seat on the porch, where he had the pleasure of a short chat.

The following Sunday Thorndyke attended morning service, but failed to attend Sunday school. He was afraid that the suspicions of his stupidity might develop into a conviction.

This failure to attend the Sunday school deprived him of an opportunity to meet Miss Pillsbury in the morning, but he attended in the evening and was rewarded as before.

Strange to say, he developed a predilection for the evening service. Whatever he did, or wherever he had been during the day, you were safe in looking for him at evening prayer. He came apparently to consider it as his duty to see that Miss Pillsbury arrived safely home, although the distance was only a few steps, and the village in this section well lighted.

By degrees, too, his visits on the porch became longer. Soon he escorted her to entertainments, and in due process of time Thorndyke became recognized as Miss Pillsbury's beau.

CHAPTER VII.

"UP RIVER."

PART ONE.

THE Androscoggin has its source in the Rangeley Lakes and the Magalloway River. In 1863 the outside world first became aware that these lakes produced unusually large specimens of the speckled brook trout. In that year George Shepherd Page, formerly of Boston, but then of New York, took eight trout whose weight ranged from five and one half to eight pounds each. Controversy at once arose as to whether or not his catch were true brook trout; and it was not until the question had been submitted to Prof. Louis Agassiz and by him decided in the affirmative that the matter was considered as settled.

The structure of the tail is the distinguishing characteristic; as the brook trout whenever caught has a square tail, while the lake trout, though sometimes wearing spots, always has a tail forked somewhat like a mackerel.

In 1876 a square tailed trout from the Rangeleys

Lower Metalluk Pond

weighing ten pounds was on exhibition at the Centennial Exposition. It was the largest then on record.

In 1892 United States Senator W. P. Frye, of Maine, who has a cottage on Mooselucmeguntic, one of the Rangeleys, took on an eight ounce rod, with a brown hackle fly, a trout that weighed ten pounds and four ounces. This is believed to be the record for fly fishing.

Even large trout are said to have been taken with a trawl and with bait. But the large fish are very few. To reach record weights they must have escaped for several years the allurements of a multitude of anglers.

In the Magalloway five and six pounds is the limit.

To reach either the Rangeleys or the Magalloway from Berlin, one follows up the Androscoggin, hence the common use of the phrase "up river."

The reader may, perhaps, remember that it was stated in open court, at the trial of State v. Gregoire, that Dooley had gone fishing. When he returned, Dooley placed in a shop window on Main street, duly surrounded with large lumps of ice, three square-tailed trout, whose combined weight was eleven pounds, six and one-half ounces. The largest one weighed four and three-quarter pounds.

Thorndyke's acquaintance with trout had been limited to the young things taken from a sprightly brook, with an alder pole, two or three feet of line,

and angle worms. He had never seen a trout that would weigh over half a pound, and seldom one that would tip the scales at more than a quarter. When he saw Dooley's catch, they nearly took away his breath; and he went down to Dooley's office and was duly regaled with a thrilling narrative of the capture of each.

So when Dooley and the Squire came into his office one evening in July and asked him to join their party on a fishing trip to the Magalloway, he was not in a very good frame of mind to say no.

"There's three of us, and we want just one more to fill up the party. We are going to camp out," said the Squire, "so as to keep down the expense. It won't cost much."

"I don't feel as if I could afford it," said Thorndyke; for much as he wanted to go, he still wanted to act on someone's advice.

"Pshaw," said the Squire, "of course you can. Lewis and I are going to hitch our horses up double and hook on to my two-seater. Then we've got a tent and all of the fixin's, so we shall tent out a good deal of the time, and 'bout all you will have to bring will be your fishin' rig."

"I haven't any."

"You can get that right down here to the store. You'll want it anyway if you live in this country," said Dooley.

"What should I have to take for a rig?"

"Oh, a lance-wood rod will do well enough; and

then you want thirty or forty yards of good line, a reel and a few bait hooks, and some good flies."

"I never fished with flies," said Thorndyke reflectively.

"Didn't you?" asked the Squire. "Then you don't know nothin' 'bout fishin', does he, Dooley?"

"No," said Dooley.

"Why," continued the Squire, "there is as much difference between fishin' with a fly and with bait as there is between ridin' on a lumber wagon behind a pair of work horses, and ridin' in a surrey behind a pair that can go in better'n two-twenty."

"Is there?"

"Certain."

"How much will it cost?" asked Thorndyke.

It is always dangerous to ask the price if you do not want to buy. A man who has something to sell can always answer that question satisfactorily.

"Oh, it won't cost much," said the squire. "We want to be gone about a week. Camping out, so you won't have to spend a great deal.

"Where are you going?"

"Up river, on the Magalloway, probably shall camp out at the Lower Metallak," said the Squire.

"Why don't you go to the Rangeleys where you caught your big ones?" Thorndyke asked of Dooley.

"The Squire likes the Magalloway better," answered Dooley.

"When are you goin' to start?"

"To-morrow, if we can get another man."

"All right, I'll go," said Thorndyke. "What do you want I should bring?"

"You needn't bring a thing except your rig," said Dooley, "the Squire and I will bring what else we need, and we will divide the expense when we get back."

"Hadn't I better bring some bait?"

"The Squire will look out for the bait," answered Dooley with an amused glance at the Squire; "he'll attend to the bait all right."

"Well, come and help me pick out my fishing tackle."

So Dooley and Thorndyke went together to the store.

What joy there is in getting ready for a fishing expedition!

An eight-year-old boy who has more than a dozen good and sufficient reasons, stone bruises, headaches, lame legs, and what not, why he cannot possibly go to the grocery store for his mother for a yeast cake, will generally help his father dig fish worms for the asking. He has even been known to dig them alone, and for his father too. Think of it!

It was with almost feverish haste that Thorndyke made his purchases. First he bought a lance-wood rod, as already advised by the Squire and Dooley, then a reel, thirty yards of oiled silk line, a half dozen bait hooks strung on sinews, a box of split shot for sinkers, and two leaders.

"What do I want for flies?" he asked of Dooley.

"Oh, you don't want a great assortment," Dooley replied. "If we had the time and money and were going to stay up there all summer, you might like to experiment some and try a lot of different ones, but I always take a few standard flies, and let it go at that."

So an assortment of flies was purchased and then a fish basket and a bait box, for Thorndyke still clung to the idea of fishing with worms.

When his purchases were complete, he found that he had spent eleven dollars and seventy cents, not a large sum certainly, but about all of the money he had. When he had paid for his tackle, he felt much like the little boy who, having a quarter of a dollar but no purse, spent the money for a purse, and then had no use for it.

However, as the arrangement was that the others were to pay the expense, and he to pay his share when they returned, the lack of money did not trouble him much for the time being.

PART TWO.

" What, second-class ? Certain.
The only Second-Class Hotel in the United States.

CHANDLER HOUSE

Dummer, N. H.

Famous at Home and Abroad for its

Hard Beds, Poor Table, and Indifferent Service.
Terms the only Thing First-Class.

Under the Mismanagement of John H. Chandler
Well known as the Stingiest Man in New Hampshire."

Thus runs the business card of the Chandler House.

" John," as he is familiarly called, the proprietor and mismanager of the hotel, was seated on the veranda one warm summer day when a party of four men, consisting of Squire Pillsbury, Deputy Sheriff Lewis N. Clark, Lawyer Dooley, and Lawyer Thorndyke, drove up in a two-horse team and turned into the yard. " John's Place," as the hotel is commonly called, is on the road from Berlin to Errol, and is the last house but one before going into the Thirteen-Mile woods.

A single set of farm buildings, consisting of

dwelling-house, barns and out-buildings, comprise the establishment.

It was the day after Squire Pillsbury had made up his fishing party. Thus far they had traversed sixteen miles of road through a prosperous farming region beside the Androscoggin.

John, a rather short, stout man, with red hair and beard, looked cool and comfortable in his shirt-sleeves. As the horses turned up to the door he arose and came forward.

"Hello, John," said the Squire, who was driving. "How are you?"

"First-rate."

"We thought we'd stop and take dinner with you and bait the horses," said the Squire, getting out over the wheel.

"They ain't a thing in the house to eat," said the proprietor, "except some hasty pudding and milk. We're just out of everything. Sorry, but don't see how we can keep you."

"Puddin' 'n milk's good enough for me," said the Squire, unhitching the traces of the nigh horse, while Clark was performing the same office for the one on the off side. "Anyway," he continued, "I s'pose we can get the horses fed, can't we?"

John made no reply, but was busy helping unhitch the team.

"You've got a new fellow with you that I haven't seen before," said Chandler. "Who is he?"

"He's another lawyer, just moved into Berlin," said the Squire. "Name's Theophilus Thorndyke."

Thorndyke at the time had alighted from the carriage and was standing where he could hear the conversation, while watching the others unhitch the team.

"Pretty big name for such a sized feller, ain't it?" asked Chandler. Then he continued: "I thought you had enough lawyers down to Berlin, and mor'n you wanted, and wan't going to let any more come in?"

"He seemed to be a pretty decent fellow and we thought we'd make an exception in his case," said the Squire, humoring Chandler's conceit.

"That makes two lawyers in one day, and that's mor'n we can stand. Either he or Dooley 'll have to go without."

If there was anything in which Thorndyke took pride, it was the fact that he was a lawyer, and being rather sensitive and quick-tempered, he took offense at Chandler's remark.

"I'll go without," he said somewhat hotly, "I'm not over and above fond of puddin' and milk anyway."

"There, that will make it all right," said Chandler, as if satisfied at having gained a point; then, turning to Thorndyke, he continued pleasantly and apologetically: "I presume you mean to be as decent as you can, considering the business you are in; but you see, I want to run as respectable a place as I

can, if 'tis second-class, and one lawyer is all we ever feed in the same day. Dooley's been here before, and I kind of have to take him, you know."

"All right, keep your pudding," said Thorndyke, getting red in the face, "but I want to tell you this, that the practice of the profession of the law is quite as honorable as keeping hotel."

"Hotel-keeping all depends on the folks you have to take care of. I'm trying to keep a decent house, and if I can get rid of the lawyers, I guess I shall make out fairly well."

"You can get rid of me easy enough, I wouldn't eat a meal in your house if I were starving."

While this conversation had been going on, the horses had been taken from the carriage and led away to the barn by the hostler, who came upon the scene just as the others had finished unhitching.

All except Thorndyke then proceeded to the veranda and took seats where they could enjoy the shade and the pleasant scenery.

Thorndyke clambered back into the carriage and took a seat in the hot sun, feeling much offended at Chandler for the way he had talked to him, and at the others because they had allowed one of their number to be, as he conceived, insulted.

"You had better come over here and take a seat in the shade," called out the Squire from the veranda.

"Not much," answered Thorndyke from the carriage. "I know enough to know when I have been

insulted. A man don't have to tell me but once that he don't want me.

No reply was made to this remark. Chandler went into the house, but soon came out again and took his seat on the veranda.

"Anybody been up this way fishing lately?" asked the Squire.

Jordan came over yesterday and went into Little Millsfield,"answered John.

"Anybody with him?"

"Jim King."

"Who's doin' the cookin'?"

"Bill Whipple."

"Funny Jordan puts up with a feller like Bill, ain't it?"

"Yes, 'tis," answered Chandler, and then he continued, "Bill's about as near nothin' as any man can be. I don't believe he ever did an honest day's work in his life. He's too lazy to work. Didn't I hear you had him arrested down to Berlin for stealing something?"

"Clark caught him, and did a good job, too."

"So I heard. How did you do it?" addressing the question to the deputy sheriff.

"Well, you see it was this way," said the Deputy, "there was a feller boarding down to the hotel at Milan by the name of Spinney. He had two ten-dollar gold pieces coined in 1880. He knew the date and that was about the only thing he could swear to for identification. He left them on the table in

his room one morning, which, of course, was a careless thing to do, and went down to breakfast; and when he went up there again, in about a half an hour, the money was gone. About the only evidence there was against Bill was that he had a room in back, and would naturally come out through Spinney's room, though there was another way."

"It wa'n't a very plain case, was it?" commented Chandler.

"No. Well, Spinney came down to Berlin and had a complaint and warrant made out and I went up and I arrested Bill. As soon as I had made the arrest, I searched him, or pretended to, I wa'n't very thorough, but didn't find anything, and didn't expect to. Then I searched his room, but didn't find anything there. Well, nobody at Milan would agree to sit on the case, and we fooled around there all of the afternoon trying to find a justice that would act; but there wan't any, and that was just what I wanted, too. Along about four o'clock, I told Bill I should have to take him down to Berlin and bring him before the Squire here, and if he had any clothes or anything in his room that he wanted to take with him, he had better go up and get them. I told him I had to go over to the store and shouldn't be ready to start for half an hour, so he would have plenty of time."

I suspicioned that those two gold pieces were hid up in Bill's room, and I made up my mind that he

would not want to go off and leave them, it he had a chance to get them; so I let him have all the time he wanted, and I sent him up by himself."

"'Bout half-past five I hollered up and asked him if he was ready to go and he said he was. Then I went up and I says, 'I ain't satisfied with the search I made of you this morning, 'twa'n't thoroug 'nough,' I says, 'and I want you to peel off every rag you got on.' He commenced, and when he pulled off one of his stockings, out dropped a piece of tissue paper with something twisted up in it. 'Give it to me,' I says. He done so, and when I opened it, there was a ten-dollar gold piece dated 1880. When he took off the other stocking, there was another one done up the same way. 'Where'd them come from?' I says. 'Don't know,' says Bill. I took him down to Berlin, and, of course, it seemed to be a plain case, so the Squire held him."

"That was a good idea, letting him go back the second time, wa'n't it?" commented Chandler.

"Gave him a chance to get the money," assented the Deputy.

"They didn't keep him in jail long," remarked Chandler.

"No," said the Squire, "Jordan fixed it up and got him out some way. Paid the money back and all the costs himself, I guess."

"T'aint right," said the Deputy, "It's the way to learn folks to steal."

"I don't see what made Jordan do it," said Chandler, "but then it's just like him. Besides Bill can catch more trout in a day than any man I know."

"They say Bill's a great mathematician," said the Squire.

"He is for certain," said John. "Why, there ain't nothing that he can't figure out. Ain't there some such book that they call algebra that is all signs and letters and such things?"

"Yes, I think there is," said the Squire.

"Well, they say it's about the hardest figurin' there is; but Bill can figure it out to a T. He's got one of them books into the camp now and has ciphered it out all by himself just for fun."

"Strange that a man with his ability shouldn't amount to more, ain't it?"

"Sure."

"Got any family?"

"No; used to live with his mother long's she was alive; since then he's been driftin' round. Won't work and just lays round some camp, fishin' and once in a while earning a dollar by guidin'. Just enough to keep him in clothes and tobacco."

Here Chandler went into the house, but soon returned again and said:

"Puddin' 'n milk's ready, and you fellers better be gettin' round the table. First come, first served, you know."

All left their seats and went into the house except our hero.

"Well, seein' as you are th' only one left, don't know but I'll let you come in this time," said Chandler to Thorndyke, who was still in the wagon. "Guess you might as well go in 'long with the rest."

"Not much," said the young man with decision.

Chandler went into the house and soon Dooley came out.

"What in thunder are you getting mad about?" he asked. "Don't you know more than that? Come in and have some dinner with the rest of us."

"I won't go into his house if I never get anything to eat again in my life," declared our hero.

"Don't make a fool of yourself," said Dooley. "Come in and eat something."

"I don't care for his old pudding, anyway."

Dooley went back into the house, and soon the Squire came out.

"You get right down out of that wagon and come in," said the Squire decisively, "and no more fooling about it."

Coming as this did from the father of Miss Isabella Pillsbury, Thorndyke decided to yield. Besides, it makes a man hungry to talk about dinner at meal time. He descended from his seat in the wagon and went in with the Squire.

Entering the office, he found a nice, clean room, at one side of which were wash-bowls, supplied with

hot and cold water. After making his toilet, he was ushered into the dining room, where the others were already seated, and were busily engaged disposing of some most excellent soup.

There was no sign of the alleged pudding and milk, but in place thereof, there was nice white bread, fresh butter, and all of the staple foods for an excellent dinner spread on a table upon which had been laid a snow-white cloth. After the soup, came fricassed chicken, potatoes, green peas, beets, and vegetables, fresh from the garden; and finally the meal ended with a most delicious plum-pudding and two kinds of pie, with cheese and coffee; and not only was it nicely served, but the cooking was perfect. Everything tasted like what mother used to make. It seemed to Thorndyke that he had never eaten so good a meal outside his father's house.

When the company came out after dinner, all, including Thorndyke, took seats on the veranda, and the Squire and Deputy lit their pipes for an after-dinner smoke. John, still in shirt-sleeves, resumed his seat with the others.

"Been many up this way fishin' this year?" asked the Squire, turning to Chandler.

"Yes, quite a lot: 'Bout the same as usual."

"I should like to get hold of another such trout as I did once up to the foot of Parmacheenee," said the Deputy, taking part in the conversation.

"How's that?" asked Thorndyke.

"It was as much as twenty years ago, I should

say, when I was a young feller just out of my teens. I was at work for the Berlin Mills Company on the drive in the spring of the year, pretty soon after the snow went off. They put me at the foot of the lake to tend the gates. You ever been there?"

"No."

"Well, there's a dam at the foot of the lake to hold the water back for driving so as to get the logs down over the rips. Someone has to be there to raise and lower the gates night and morning, so as not to have the water run to waste. It's an easy job, but lonesome. I had some pickerel hooks and lines. I cut a good long tamarack pole and peeled it all nice, and strung my line and hook and fished round more or less one afternoon, but didn't have much luck, and I wa'n't looking for much. About five o'clock I shut down the gates for the night, for it would take till dark for the water to run down to where the men were working, and then I went down below the dam and commenced to fish."

"There is a kind of eddy just below the dam where the water comes out, and it was about three or four feet deep and fifty or sixty feet across. I caught a trout that would weigh a half pound, and then threw in again for its mate. Pretty soon I hooked him, too, and when I got him to the top of the water and he was splashing the water round as I was bringing him in, I noticed something coming towards me from the opposite side of the pool. It

made a wake like a row-boat. I was pulling in the line hand over hand, and just as I was about ready to pull my fish out of the water, that old chap grabbed him in his mouth, and started to go back with him; but just then he looked up and saw me and let go, and went off out of sight. When I pulled in the fish on my line, he was deader'n a herrin'. That old feller had taken him in his mouth clear up to his neck, and bit him so hard that he had made a cut right back of his head big enough so I could lay in the bigness of my forefinger. When I got up to the camp that night, I weighed the trout I had on my line when that old chap grabbed him, and he weighed just half a pound."

"What was it, do you think?" asked Thorndyke; for the others had heard the story.

"That grabbed the fish on my hook?"

"Yes."

"The prettiest square-tailed trout you ever laid your eyes on," said Clark. "When he grabbed the trout on my hook, he turned up kind of sidewise, shark-like, and I saw him plain 's I can see you. He was as long as that," clasping his leg below the knee, "and he had spots on his sides as big as B B shot, and redder'n paint. He was as deep through the belly as that," and Clark clasped the calf of his leg at the largest part.

"How much do you think he would weigh?"

"Five or six pounds, perhaps more. He was the likeliest trout I ever laid eyes on in my life."

"Well," said the Squire, "I guess it's about time we had the team hooked up."

Whereupon Chandler gave the necessary orders, and the party were soon again on their way to Errol, through the Thirteen-mile woods.

Part Three.

It was about five o'clock in the afternoon when our fishing party, having passed through the Thirteen-mile woods reached Errol Dam on the Androscoggin where they were to tent for the night.

The horses were unhitched, unharnessed, and picketed beside the road. Dooley and Thorndyke set about pitching the tent, while the Squire and the Deputy unpacked what was needed from their stores, gathered fuel, built a fire, and set about preparations for supper.

Before commencing to eat, the Squire opened a package in the wagon, and took out a quart bottle filled with a reddish-brown liquid.

"I suppose we might as well try the 'bait' and see if it is good for anything," he said, as he uncorked the bottle. "It's better for a man not to drink, I s'pose," he continued, "but if he's got to drink anything, there is nothin' that'll do him less damage than good, pure old New England rum." And he held the bottle and a tin cup toward the Deputy.

"There's only two times in my life when I ever take anything," said the Deputy.

"When's that," asked Thorndyke.

"One's when I go fishin', and t'other's when I don't," he replied solemnly; then, turning to the Squire, he said, "You first," at the same time re-

fusing the bottle; whereupon the Squire turned out a small quantity and drank it, and handed the outfit to the Deputy, who did the same.

The Squire then turned to Thorndyke, "I believe you don't take anything?" he said, still with the bottle in his hand, but not offering it to our hero.

Now what, we ask the reader, does a man go fishing for, anyway? Is it to catch fish? Or, allowing that the catching of fish may be an incidental, is that the exclusive source of enjoyment?

Thorndyke, it is true, was only an amateur, but he had a slight knowledge of the custom of the country, and had expected to conform thereto. Though not a drinking man to any considerable extent, he made no pretense at being a teetotaler. Nevertheless, the Squire was the father of Miss Isabella Pillsbury, and he replied with a hesitating, "No-o."

"A dry spit works all right sometimes," remarked the Squire, and then without further comment he held the bottle and cup towards Dooley; but Dooley evidently thought it would not be quite fair to put Thorndyke in a class all by himself and he, too, declined.

"I don't believe I'll take anything to-night," he said.

"That's right," said the Squire, as he drove the cork into the bottle with a blow from the palm of his hand, and then he continued:

"The great trouble with folks now-days, is that they begin drinking too young."

"How old should they begin?" asked Thorndyke.

"Wall, say forty, perhaps, but fifty's better, and 'twont do a man any particular hurt if he waits till he's sixty. Then if he'll confine himself strictly to three drinks a day, and 'll take them, one just before each meal, and drink nothing but old New England rum, with plenty of water and a dash of bitters or molasses thrown in, whichever he likes best, or neither, if he'd ruther have it straight, and don't live to be more'n a hundred, the chances are nine out of ten, or perhaps better'n that, that liquor'll never hurt him.

"The only thing I've got against rum," said the Deputy, "is the way it strikes your breath up. Take one drink of rum, and they can smell you over a ten-acre lot."

Supper over, Dooley and Thorndyke strung their fly rods and went behind the dam, hoping to get a rise. July is not the best time in the year to catch trout at Errol dam. By then the water in the river has become quite warm, and most of the trout have gone to deep places in the lakes or to the head of the streams where it is cooler.

Thorndyke had never used a fly, but Dooley instructed him in the art, and they both whipped the waters to the best of their abilities, but not a rise.

Now, Thorndyke, having never before used a fly, had brought along some worms and bait hooks;

and when he became satisfied that he was not going to make a catch with a fly, he put on a bait hook, determined to try worms. Selecting from his box a number of these, he placed them on the hook, in such a way that only a part of each was transfixed. while two-thirds of the worm was free to wiggle as it pleased. In this way, half a dozen were used, and the hook being entirely concealed, they looked like a nest of angle worms.

We are aware that no true sportsman will ever demean himself by fishing with bait; but, as we are trying to give a true account of Thorndyke's adventures, we reluctantly admit that on this occasion he did.

There is a pool on the west shore behind the dam, which is perhaps fifteen feet wide and six or eight feet deep, where the water eddies and circles around as it comes through the gate. Thorndyke used about twenty feet of line, and throwing the bait into the pool, let it float around in the water. Round and round it went with the current, and he had little idea of making a catch, when he observed that it stopped. It might be that the hook had caught on some obstruction, or it might be that a fish had taken it. Waiting a moment to give the fish ample time, if fish it was, he reeled in his slack line, and then jerking his rod, became aware that he had hooked something.

Tug, and the end of the line which was in the water started for the farther side of the pool.

"Goodness, I've got a whale," cried Thorndyke, and he began to pull on his line.

"Don't, don't. Let him go, let him go," cried Dooley. Then, as Thorndyke stopped pulling, Dooley continued: "There now, keep a tight line on him. If he pulls too hard let him out some more but as soon as the strain slacks up a bit, reel him in. Keep your line as short as you can without too much strain."

"Oh, I can never land him," said Thorndyke, "you take the rod."

"No, you are doing all right," said Dooley in a quiet, reassuring tone. "Now lift up on your rod a little, so as to keep him off the bottom so he can't get your line snarled up on the rocks or anything. Not too hard. There, hold it so that he will be pulling against the spring of your rod. If he could get the line hitched solid, he would break it or tear the hook out of his mouth in a minute; but pulling against the spring of the rod, there is enough give so that the full force of his rush don't come all at once, and so the hook don't break out; it cushions the blow, so to speak."

"He's a booster," said Thorndyke, now getting his nerves under control, as he began to see how to manage. "My! seems as though he weighed a ton."

"Work him easy, and you'll get him all right," said Dooley, and he picked up the landing net.

In a few minutes the plunges of the trout began

to have less force, and then, unexpectedly to Thorndyke, he came to the top of the water, where he splashed in an apparently helpless fashion.

"Let him down under water," said Dooley.

"Why?"

"Sometimes when you hold them up like that, they get a twist that gives a kind of jerk to the line and they snap the hook out."

But the trout's struggles were becoming weaker, his plunges lacked steam; and without intending it, Thorndyke again brought him to the top of the water.

"There now, work him over this way," said Dooley, going down as close as possible to the water's edge. "There, now gently," and soon his troutship was at the surface of the water within a couple of feet of the shore.

Deftly Dooley slid the net under him; then an upward stroke and the fish was landed.

"How much will he weigh," asked Thorndyke, when they had carried the fish back away from the shore, and had an opportunity to look him over.

"Oh," said Dooley, holding the trout up by a gill so as to get a better look at it, "I should think he would weigh a pound and a half to two pounds."

"Won't he weigh more than that? Why, I thought he would be the biggest one ever caught."

"A two-pound trout puts up a pretty stiff fight sometimes. I knew he wa'n't very big or you would have lost him."

"Why?"

"Pulling the way you did when you first hooked him; if he had been heavy enough, you would have pulled the hook out of his mouth or have broken your line. But he couldn't hardly get away unless he broke the line, the way you had him hooked in the throat so. His mouth is toughest there."

"Anyway, he's a beauty."

And a beauty he was. No enthusiastic angler but has said the same thing many, many times.

The trout was never weighed, but probably Dooley's first guess, a pound and a half to two pounds, was about correct.

Catching this trout only increased the ambition of both the young men to catch more. Dooley whipped the stream in all directions with his flies, changing them ever and anon, hoping to find one that would tempt the fish to rise; while Thorndyke kept on fishing with bait, but neither had a bite.

At intervals, Thorndyke would go to the fish basket; gently lift the cover and admire his prize, and as he did so, he felt that he would like to have Miss Pillsbury know of his good fortune.

Finally it became too dark to fish, and as the young men were about to start back to their tent, Thorndyke sheepishly said that he would like to send the trout down to Miss Pillsbury.

Now it happened that Dooley was only a few weeks married to a charming young woman, a little younger than himself, and he had a very high idea

of matrimony. In his opinion, marriage was not a failure; so when Thorndyke made his suggestion about sending the trout to Miss Pillsbury, Dooley responded with a hearty "Why not?"

To be sure why not? There seemed to be no good reason why not; and so the two young men took the fish back a mile to the hotel at Errol, where it was dressed, packed in ice, put in the refrigerator for the night, and the next morning taken on board the stage for Berlin, and the same day delivered at the home of the Pillsburys'.

Scarcely had Thorndyke completed arrangements for sending the trout to Miss Pillsbury and started back to his tent, than the fear seized him that she would not be pleased with his gift,—his first gift, too. Think of it! A young man sending a trout to a young lady with whom he was not on very intimate terms. The appropriate thing to give a young lady is, of course, jewelry, or something like that, which, like the fair sex, is a thing of beauty, but to give her something good to eat—how ridiculous! In fact, he almost wondered that such an angelic being should care to eat, anyway. If he could only have sent her a portion of the nectar and ambrosia of the gods; but a fish, would she not be displeased?

Yet, strange to say, she was pleased, and would have cared much less for nectar or ambrosia.

Queer, isn't it, that such ethereal beings should like something good to eat? But they do.

Part Four.

"Hello there!"

This from someone in the darkness of the highway, two or three rods distant, where a two-horse team had stopped opposite a camp fire at Errol Dam, around which Squire Pillsbury, Deputy Sheriff Clark, and Attorneys Dooley and Thorndyke were sitting before turning in for the night.

The tent gleamed white beside them. It was the night when they had set up their tent, and the first night that Thorndyke had tented out. The Squire and the Deputy were smoking their pipes, and all were silently contemplating the glowing embers, and enjoying the cool of the evening, while the smoke from the smudge lighted to keep flies and mosquitoes away, which was smouldering to the windward, was occasionally drifted by the breeze over them.

"Hello yourself!"

This from the Deputy. Thereupon the team turned to one side of the road, apparently so as to leave a passage for others if they chanced along; and the figure of a man descended from the carriage and came out of the darkness toward them. As he came into the firelight, he spoke again.

"Where you from?"

"Berlin."

By this time he had come into the light of the fire

and a rather short, spare man, smooth-shaved, except a heavy mustache, with a big slouch hat of the cow-boy style, stood revealed.

"Hello, this you, Walter?" said Dooley, rising and shaking hands.

"Howdy," responded the newcomer, as he took the proffered hand, and then turned and shook hands with both the Squire and the Deputy, repeating the same salutation to each.

"Let me introduce you to Mr. Thorndyke," said Dooley, and then without further ceremony he proceeded, "Mr. Thorndyke, this is Mr. Buckman, of the Magalloway Region, a hunter, guide, and all-round woodsman." Then turning to Buckman he continued, "Theophilus Thorndyke is a lawyer who has just moved into Berlin and is up this way for the first time."

"Howdy," again said Buckman, shaking hands.

"Anybody with ye?" inquired the Squire.

"Nay Bennett," said Buckman, then he shouted in the direction of the team, "Come over here, Nay. It's Squire Pillsbury and a crowd from Berlin."

Soon there appeared another form in the gloom, and immediately thereafter a straight, spare man of medium height, whose gray hair proclaimed him to be advanced in years, stepped into the firelight with a quick, nervous stride, and was greeted as Nay by all except Thorndyke, to whom he was introduced.

While Bennett had been making his approach, the Squire had gone into the tent, and reappeared with the quart bottle, and the tin cup. Then, precedence being given Bennett, as the older, they were successively presented to each of the visitors with the inquiry:

"Hadn't you better lubricate?"

Whereupon some of the contents of the bottle was solemnly poured by each of the visitors into the cup and drank, and the ceremony of lubrication had been performed.

"Where you been?" inquired the Squire of Buckman.

"Out to Colebrook, carrying a party of the Parmacheenee Club members to take the train."

"How's fishin' up your way?"

"It's been first-rate this year."

"Better'n it used to be a few years ago?"

"Yes, it's been growing better the last few years, since the fish and game laws have been better enforced."

"Anybody caught any big ones?"

"Mr. Menges, of New York, caught a trout at the foot of the Diamond rips that weighed a couple of ounces over four pounds."

"When?"

"'Bout two weeks ago."

"Thorndyke caught a big one at the dam just a little while ago," said Dooley.

"That so, when?" asked Buckman.

"Not mor'n two hours ago."

"How much did it weigh?"

"Hain't weighed it yet, but should think it would weigh four or five pounds. Shouldn't you, Dykey?" turning to Thorndyke.

That young man hesitated; but reflecting that it would not do to discredit the weight of his own catch, he assented with a doubtful—

"Ye-e-s."

"Where is you four or five pounder? Let's see it?" said Buckman.

"It's down to the Umbagog house, packed in ice. Thorny's goin' to send it down to Berlin to a friend he's got there." said Dooley.

Our hero felt the color come into his face, but the darkness probably obscured it from the others.

"Who you going to send it to?" inquired the Squire, anxious to satisfy his curiosity.

Our hero felt the color mounting still higher in his face, and he was stumbling around in his mind for an answer that would not be untruthful, and at the same time would not disclose the identity of the recipient, when Dooley broke in with:

"Thorny won't tell, but I guess it's to his best girl."

Thorndyke felt grateful to Dooley for the answer; but he wished nothing had been said about the "best girl."

"They have been catching some big ones over to the Middle Dam this year," said Nay, "I came from

there to-day. A man by the name of Ridlon from Boston caught one yesterday that weighed seven pounds and a half."

"I wish I could get hold of another one such as I got hold of once up at the foot of Parmacheenee," casually remarked the Deputy.

"How's that?" inquired Buckman.

"You've been there, I s'pose?"

"Yes."

"Know the pool below the Dam?"

"Yes."

And again, with much circumstantial detail, the Deputy related his adventure with something which killed a trout on his line at the outlet of Parmacheenee Lake, concluding with the statement:

"When I got to camp that night I weighed the trout I had on my line when that old chap grabbed him, and he weighed a pound and a half."

"Why, I thought you—" broke in our hero, but a punch in the ribs from Dooley that nearly took away his breath, and induced a fit of coughing, caused him to stop. When Thorndyke had recovered sufficiently so that he could speak, Dooley's foot was pressing hard on his toes, and he interpreted this as a sign for silence."

"What do you think it was?" asked Buckman.

"That grabbed my trout?" asked the Deputy.

"Yes."

"The prettiest square-tailed trout that you ever laid your eyes on. When he grabbed my trout he

turned up sidewise, shark-like, and I saw him plain's I can see you. He was as long as that," clasping his leg at the knee and extending his foot, "he was as deep through the belly as the calf of my leg, and he had spots on his sides bigger'n split peas, and redder 'n blood."

"How much do you think he would weigh?" asked Dooley.

"Ten or a dozen pounds, sure. He was the likeliest trout I ever saw in my life."

Solemn silence followed this narrative, broken only by the chorus of the frogs in the neighboring marshes.

After waiting a sufficient period to duly emphasize the circumstances narrated by the Deputy Sheriff, Dooley opened the conversation with Buckman with an inquiry about an incident that had occurred on one of Dooley's former visits up river.

"How," he inquired, "did you come out with that young fellow that you were guiding the last time I was up here?"

Then turning to the other he continued:

"The last time I was up this way I went up to the Camp-in-the-meadows in a canoe from the head of Azischhos. I had Pearl Flint for a guide. When we had got up within four or five miles of the camp, it was along after five o'clock, and time for deer to begin to come to the water. We didn't see any, and didn't expect to either, for up river ahead of us we heard the confoundedest amount of firing, every

few minutes, the noise of a rifle three, four, or a half dozen times, fired as fast as a man could. You would have thought an army was in battle. It made so much noise that we gave up all idea of getting a shot, and paddled right along. Finally, just as our canoe came around a bend in the river into a broad eddy, there was one of the prettiest sights that I ever looked upon in my life. In the middle of the river was Walter, in the stern of his canoe, paddling, and in the bow was a young fellow with a rifle, while over in a swampy place on the bank, where the water was too deep for trees to grow, was a young buck, say three years old. There he stood, his neck stretched up to its full height, and every nerve and muscle at tension. Back of him were bushes six or eight feet high, I should think, and back of them, the woods. The young fellow fired his rifle and the buck turned and jumped over the bushes and out of sight into the forest. I never saw anything handsomer.

"That feller had about the worst case of buck fever I ever saw," replied Buckman, "but he came out all right in the end. He had a good gun and he could shoot pretty well at a mark, but when it came to shooting game, he couldn't hit an elephant ten feet off. He had been banging around all the afternoon. I had given him three or four good shots, and he hadn't hit a hair. When we came in that night, I had a little fatherly talk with him. 'This won't ever do,' says I. 'You got to do better'n

that, or I'm going to jack my job.' 'What shall I do?' he says, humble as a lamb. 'You got to get me a collar box,' I says, and would you believe it, he went to the kitchen at the camp and got one of the cook. I knocked the bottom out of it and put it up for him to shoot at, and he could spot it 'bout every time at a fair distance. Then I began hollerin' at him and throwing my hat at him when he went to shoot. Then I made him shoot while I counted, finally got him so he could shoot 'bout as fast as a watch ticks, then I took him out again, and the first deer we seen, I says, 'There's the bottom of a collar box on the middle of that deer's body just back of his fore-leg, punch it in the middle.' He fired and sent a bullet through the deer's heart. After that he did some good shooting, but before that there was a week or ten days that we didn't go out from camp."

"How long have you lived up in this country, Mr. Bennett?" inquired Dooley.

"Ever since I was born, you might say. My father came up on to the Magalloway and settled on the Flint farm back in 1825, when there wa'n't but three or four families there. I was then a little boy five years old. Yes, sir, I know the Magalloway region from A. to Z."

"You must have known Old Metallak then, didn't you?"

"Knew him as well as I know you; better, yes a good deal better than I know you or the Squire

here, and I've known him off and on for forty years. Hain't I, Squire?"

"Yes," assented the Squire.

"What kind of a man was Metallak?" asked Thorndyke.

"One of the nicest men you ever saw in your life," replied Bennett.

"Who was he anyway?"

"He was a full-blooded St. Francis Indian, and he and his band were the last Indians to live in this part of the country. He probably made his headquarters with the St. Francis tribe up in Canada; but he used to come out here with a band of about a dozen, mostly women and children, to fish and hunt through the summer and fall, and in the early times, I think he lived about here the year round."

"Their real name was Abenaki," said the Squire. "Their principal village was called St. Francis, and was on the river of that name not far from its mouth. They occupied most of the territory north of the White Mountains as far as the St. Lawrence. Their tribe was a refuge for the New England Indians when they were in extremities; the Pichwacketts, who once lived near what is now Fryeburg, Maine, after the battle at Lovewell's Pond went there. The last of the Pennacooks, Sacos and others did the same."

"I think that is strange," said Thorndyke. "I have understood that each tribe always had a feud

with the others, and was continually at war with them."

"That is doubtless true," replied the Squire, "between different tribes; but the Abenakis and the New England Indians were really members of the same tribe, the Algonquins. What we often speak of as different tribes were more properly different bands of the same tribe."

"What became of them in the end?"

"What was left of them after Roger's raid still live on the St. Francis River in Canada. You've heard of Major Rogers of course?"

"No."

"That's strange, and then again perhaps it isn't. The historians don't say much about him; and yet his expedition against the St. Francis Village was one of the most bold and at the same time successful ever executed against any body of Indians; and its result was to put an end to Indian warfare in New England for all time."

"Tell us about it."

"The Indians who took refuge with them usually had grievances of their own; and the Abenakis were allies of the French, so for nearly two centuries they were uniformly hostile to the white settlers of New England. I think it safe to say that they caused more destruction, took more prisoners and scalps than all of the other New England Indians combined. Among many others Gen. Stark when a

MAJOR ROBERT ROGERS
Born Dunbarton, N. H., 1727. Died, England, about 1800

young man was captured by them, and a ransom of one hundred pounds was paid for his release.

A common route was to go down the Connecticut to the white settlement, kill and plunder along the border, retreating into the forests if pressed by the whites, and return by the way of the Saco; then passing up the Crawford Notch or through what is now Jackson and Gorham to the Androscoggin, along by Berlin and back home again.

Major Robert Rogers was a New Hampshire man, born down here at Dunbarton. In 1759 he was in command of a regiment of rangers, and was stationed at Crown Point under a British general by the name of Amherst. With one hundred and forty-two men he went down Lake Champlain to the Missisquoi Bay, then through the woods and in twenty-one days they came near to the St. Francis Village. He himself reconnoitered the place, and the next morning before daylight surprised the place with his force and made an attack. It was entirely successful, he killed all of the inhabitants then in the village, except about twenty who were taken prisoners. He found five English captives whom he recovered, and on the lodge poles were six hundred scalps, which had been taken in their raids into New England."

The Squire stopped abruptly, "Have you ever been up to Sherbrooke in Canada?" he inquired.

"No," answered Thorndyke.

"You ought to go up there some time," said the

Squire. "It's ninety-nine miles from Berlin on the Grand Trunk. Now it's the center of an extensive farming region. Their annual fair in September is one of the best to be found in the country. It is located on the St. Francis River at its junction with the Magog.

Of course in 1759 it was all woods. It seems that a good many of the St. Francis braves were away on a hunting expedition when Rogers attacked the village, but in a day or so about a hundred got together and started in pursuit. They came up with Rogers and shot one or two of his men. Then he determined to put a stop to that, and he ambushed them at what is now Sherbrooke, then "Big Forks," and killed nearly the whole of the pursuing force."

"If the Rogers Expedition was so important and successful, why don't we read more about it in the histories?" asked Thorndyke.

"Rogers was an officer in the English army," resumed the Squire, "and naturally, perhaps, remained loyal to the Crown during the Revolution. But though the success of his expedition opened up all of northern New Hampshire and a part of Vermont to white settlement; and though, as a result, when the boundary between the United States and Canada was fixed at the close of the Revolution, it was doubtless put considerably further north than it otherwise would have been; still Rogers' adherence to England has never been forgiven. An act of the Assembly which, I think, was never repealed,

forbade him to enter the state; and no public recognition of his services has, so far as I can learn, ever been made."

There was a pause, and then Thorndyke inquired of Bennet what became of Metallak.

"After a while," Bennett replied, "his band became scattered and didn't come back with him. When the white men came here and settled, they spoiled the hunting, and the fishing, too, for that matter. There ain't nothing so pizen to everything else as man, and particularly a white man. An Indian will hunt in the same country year after year; and he'll hunt so as not to kill off all of the game; but a white man just kills and kills, and don't care for the consequences. I have seen men come up here from the cities; I remember one man that came here from Boston; he was here a few days and shot five deer in two or three days. He made his guide drag them together in a pile, and he stood behind them and had his picture taken with the deer in front, and then went off and left them. He killed them just for the sport of killing. After the white men came here, they hunted about the same way. One man in Coos County killed one hundred moose in a year, and pretty much all he saved was the hides and noses. When the game was all killed out of the woods, most of the Indians quit coming, but old Metallak kept coming just the same, he and his squaw.

"One winter she died when they were living at

Moll's Rock, over on the Umbagog Lake. It is only six miles from here. Her name was Hookie. He kept the body in his wigwam till the ground thawed out in the spring, and then took it up to the Narrows of the Richardson or Mooselucmaguntic lake and buried it near the water's edge. Later, when the dam was built at the foot of the lake, Mr. E. S. Cole had some granite posts cut and put at the corners of the grave, and it can be seen now when the water is low, but generally the water covers it."

"Old Metallak seemed to have been as much attached to his squaw as a white man is to his wife, didn't he?" observed Dooley.

"Yes," said the Squire.

"What became of him after that?" asked Thorndyke.

"He was the last of his band, but he kept coming just the same," said Bennett, "Finally, he lost his eyesight. Some say, he caught cold one night, and when he woke up in the morning his eyesight was gone; others say that it was an iccident, that he lost the sight of one eye, and then put the other out by its being struck with a twig. However, it happened, my father and Elihu Leavett went up to the Lower Metallak one day fishing, and found him there, blind as a bat, and most starved to death. They fed him and brought him out with them when they came."

"What finally became of him?"

"He stayed at father's a while and then the

county of Coos took care of him. He lived till 1848, and when he died at Stewarttown, was buried there. He was the last of the Indians to live in this part of the country. For a while there used to be a stray Indian through here occasionally, but never to stop any length of time, and now they are all gone."

"So old Metallak was the last of the Abenakis to live in New England, was he?" inquired Thorndyke.

"Yes," said Bennett.

"Strange, isn't it?" commented Thorndyke, "that the last of the tribe of savages, who dominated this country when history opens here, and who for a hundred and fifty years were the terror of the whites, should spend his last days alone and a charge upon the country?"

"He was not the last of the Abenakis, but only the last to live within the United States," said the Squire. "There are still Abenakis in Canada, but Metallak was the last to make his home in this part of the country."

"Well," said Bennett, "let's be goin' on."

The guests arose to go, and the Squire again produced the quart bottle, and handed it to the visitors.

"Hadn't ye better lubricate?" he inquired.

Thereupon the ceremony of lubrication was again duly and solemnly performed by each of the visitors, and by the Squire and the Deputy.

When this had been done, the visitors made their way to their team, and soon the wheels of their carriage were heard rattling up the road. The Squire and the Deputy repaired to the tent, but Dooley and Thorndyke remained seated by the fire.

"Don't you think you put it pretty strong, setting the weight of that trout at four or five pounds?" inquired Thorndyke.

"That trout of your'n can trot in any company," said Dooley earnestly. "He's a free-for-all, and don't take anybody's dust, and won't, while I handle him, not if I have the last say."

"But we shall get caught at it, if we brag him up too much, shan't we?"

"Who's going to catch us?"

"Oh, I don't know."

"Of course you don't. How you goin' to make a reputation for a fisherman if you don't catch big fish?"

"Well, if you'll take the responsibility?"

"Of course I will. I tell you that was a big fish of your'n; and he keeps growing. In my judgment, except Clark's, it's the biggest fish that's been seen in these parts in years."

Part Five.

For seventeen miles beyond Errol Dam our party traveled with the team. They were then at the end of the road, two miles in the woods, and at the head of Aziscohos Falls on the Magalloway River. Their destination, the lower Metallak, could only be reached by the river, and was still twelve miles distant. A steamboat of light draft plies sixteen miles up river to the Camp-in-the-Meadows, and they might have gone by it; but they preferred to use canoes, as in that way an opportunity to fish would be given them. For this reason they had started early from Errol and by ten o'clock in the forenoon they had reached the Falls, their team had been sent back to the settlement, and they were ready to proceed upon the last stage of their journey.

And then began such a journey! Two guides had been engaged and two canoes; in one of which the Squire and the Deputy with a guide embarked, while Thorndyke, Dooley and a guide occupied the other. Their luggage was divided between the two.

The sun was bright, not the best weather to catch fish, perhaps, but the very best in which to enjoy the scenery and the ride. The canoe, driven by the strong strokes of the guide, moved forward with that steady motion suggestive of movement without exertion. For the first few miles, the trees on the meadow had been killed by the high water held back

in the spring by the dam at the head of the falls; but a luxuriant growth of grass had sprung up and clothed them as with a green garment.

"Hadn't you better try them in there?" said the guide, as he brought the canoe to a standstill in front of the mouth of a brook, which emptied into the river; for your trout is a cold water fish and, when the water in the river becomes warm, will be found lying in the cool water which flows from the brook into the river. But we do not intend to weary the reader by a narration of the circumstances attending the catching of each fish. Suffice to say, that by noon, when they stopped for lunch, the party had made five miles, had stopped at the mouth of two brooks, and had caught what fish they wanted for their dinner, which, as the Squire said, "was enough, and all anybody ought to have."

The Squire was a true sportsman and went fishing for the pleasure of the outing. Fishing was an incident; and, when he had taken all he cared to use, he felt that he had taken his share. He would leave the rest until he came again or for someone else.

"Here is the best place to land and get dinner," said the guide, as he brought the canoe in to the shore at a dry bank.

Dooley and Thorndyke got out and stretched their limbs in relief from the cramped position in which they had been sitting. In a short time, the Squire and the Deputy arrived.

And then occurred a revelation to Thorndyke in

the art of out-door dinner serving, for your guide is an artist in taking care of his guest in the woods.

The guide who had come up with Dooley and Thorndyke, collected some dry sticks from the roots of an upturned stump; and with some birch bark which seemed to come to his hand by magic, but which in fact, had been left over from a former occasion and had been hidden in the middle of the stump, started a small fire between two rows of stones placed so as to conveniently support cooking utensils close down to the water's edge on a small sandbar, where there was no grass or other combustibles in which the fire could spread, and where it could be easily extinguished. For fire is the one enemy to be feared by the lumbermen.

In the meantime the other guide had selected from the bottom of the canoes such of the trout which they had caught on the way up, as were needed for the dinner. Soon coffee, some salt pork, and the trout had been cooked; bread, condensed milk, and plates, knives, forks and cups had been brought from the canoes; and in less than a half hour an appetizing meal had been prepared.

In the afternoon they continued their journey leisurely, stopping as before at the mouths of brooks and by the side of rocky banks to cast their lines.

Though Thorndyke had never fished with flies before, yet under the tutoring of the guide he soon began to acquire a certain degree of skill in the art.

"Remember," the guide had instructed him,

"that your fly, though made to imitate some insect in the water, upon which the trout feeds, is, in reality, a fraud which the fish discovers as soon as he takes it into his mouth, and which he will drop at once; so you must strike him with the hook the instant his mouth shuts upon it. For smallish trout this will be about the time the water breaks, while for large fish it will be a little later.

By five o'clock they were still four miles from camp and had in their canoes all of the trout they could use for supper and breakfast. None of them were large as measured by the Magalloway standard, but many of them would be called exceeding large if taken from an ordinary trout stream.

"Do you want to go quietly and see if we can see any deer?" inquired the guide.

"Sure," said both Dooley and Thorndyke.

"Then keep as still as possible and keep a sharp lookout ahead, but especially along the banks; and particularly when we go around a bend."

At intervals along beside the river they had seen marshy places extending back into the forest as though at some former time they had been occupied by the bed of the river. In the Magalloway region such places are called logans, instead of lagoons; as we understand the custom to be in the southern states. When the water is not too deep grass grows abundantly in them, and they are then favorite feeding places for deer.

The river was still very crooked with sharp turns

where it would sometimes double and come back almost upon itself. Oxbows, such bends are often called.

"When we go past this next bend look into the logan on the right. It's quite a place for deer, and it's about the right time of day for them to begin to come to the water," said the guide.

As the canoe reached the bend it hugged the shore on the inside of the curve, its speed slackened, and it stole along beside the green shrubs on the bank with a slow, steady movement, which had much the appearance of rest. Close to the bank of the river a doe was feeding, and near her were two fawns. The fawns, like all children, were free from care and responsibility. They daintily cropped the tops of some particularly attractive grasses, or bounded off on some mock errand of feigned haste, not forgetting to tease mamma by occasionally, by apparent accident, running against her as though she might be pushed aside. But mamma was different; she evidently felt the responsibility of caring for a large and growing family. She cropped the grass eagerly, meanwhile lifting her head from time to time to scan the surrounding country. The fishermen were keeping still, the guide used his paddle only so much as was necessary to keep the canoe from moving; but as the canoe was broadside to the place where the deer stood, the guide was in plain sight of her.

For a moment or two she detected nothing unusual within the plane of her vision; then, as she

lifted her head to scan the surrounding country, she seemed to become suspicious of the unusual object across the river. Suddenly she became frozen, her head raised to the full height of her long neck, her ears thrown forward and motionless, she would easily have been taken for a stump by a careless observer who had not seen her before. The fawns were more observant than they appeared, for, when thus she stood, they stopped their play and watched her with close attention. Perhaps a current of air carried the scent of the men across the river, for suddenly she sounded a shrill whistle, the alarm call of her kind, and started fitfully but rapidly toward her child the farthest distant, then she turned and started toward the path up the logan, and as she did so, the fawn started after her. The other child next engaged her attention, and the same sign language was repeated with the same results, all of which seemed to Thorndyke to be her way of saying, "Hurry, hurry, get out of sight; I see and smell the man, the bad animal who destroys little children and their mammas. Hurry, my children, hurry out of sight."

Both of her young being now directed up the logan, she herself sprang into the path, passed ahead of them and set a rapid pace toward its farther end, stopping occasionally for a laggard to catch up, and then bounding forward at full speed as if haste were the one consideration. Soon only their backs could

be seen in the tall grass, and then they disappeared behind some alders near the farther end of the logan.

"I wish I had a photograph of the old one and the fawns, just as she started up the path," said Thorndyke.

"There was a man up here from Boston," said the guide, "that took some views; and it turned out to be quite as hard to get a good photograph of a deer as to get a good shot, and to me it was about as much fun. You have to manœuver as much to get into position, and he said the way the light comes makes a difference, and of course the nearer you get the better; so, take it all in all, it is quite a difficult thing to do."

Two more deer were seen before they reached camp. One was a buck whose branching antlers were still in the velvet, and who discovered them just as they rounded a bend. There was a vision of the powerful leap up over the edge of the bank among the bushes, a momentary glimpse of the masculine head with its branching crown, looking out in curiosity from among the thicket of leafy branches, and he was gone.

"He doesn't seem to have a very good opinion of mankind, does he?" observed Dooley.

"He has probably been shot at and very likely wounded," said the guide.

"Afraid of what Artemus Ward used to call a 'Gauge game,'" said Thorndyke.

"After a deer has been shot and wounded," said

the guide, " but not mortally hurt, it is pretty sure to make him suspicious. One year there was an old buck that spoiled all of our jacking. When we came out on the river in the canoe, he would tramp back and forth over in the bushes, out of sight, and whistle so that not a single deer would come into the water."

Another deer which they saw was a young doe. They saw her some distance up the stretch as they came in sight.

" Don't speak, and sit perfectly still and see how near we can get to her," said the guide in a low, even monotone.

Thorndyke and Dooley kept as motionless as was possible for them, and as the guide was in the stern, in a large measure they shielded him from view. The canoe now headed straight for the deer and moved forward without a sound. From his position in the bow, Thorndyke could see the doe with ever-increasing distinctness. What a dainty miss she was!

Later the guide said that she was evidently a last year's fawn. Apparently she had just come to the water, for now she took a sip from the river, now she reached out her slender tongue and picked a lily pad, which she ate mincingly; and now she raised her head in a careless, happy way, as if the forest and the stream were made for her enjoyment, and there were no dangers lurking in their confines. Still the canoe moved forward with its steady, unswerving motion. Thorndyke could see her eyes,

then he saw them more plainly He was within sixty feet, then forty, twenty-five, still moving forward, twenty. Thorndyke's eyes met those of the deer; and then there came a change into their liquid depths; surprise, suspicion, fear, terror, and with a mighty bound that called into action all of the splendid muscles of her back and haunches and made them swell and writhe beneath their tawny covering like knots of angry snakes, she flung herself with one mighty effort over the abrupt bank, fully six feet high, and disappeared.

And yet there are those who say that man only has a soul, that his intellect and emotions are different from the intellect and emotions of other living things. But wherein does the terror which the young deer felt differ from the sensation which would assail my heart, if, unarmed and unwarned, I suddenly discovered a monster, a Bengal tiger, for instance, stealthily creeping within springing distance? Wherein did the old doe's solicitude for her children differ from that of a human mother? Wherein does the affection which I have for others differ from the emotions which my dog, in every look of his eye, and every motion of his body, from the tip of his nose to the end of his wagging tail, expresses for me? Unless it be that the affection of my dog is the more sincere and genuine.

If there is this difference, how comes it that man and other living things can commune with each other; that Thorndyke read the eyes of the young

deer as though they had been human? Surely, if man only has a mind and other living things only a counterfeit, the counterfeit is strangely like the original.

There is an intoxication of the woods like the intoxication from rare old wine. As the twilight deepened and the mysterious wood folks began to come forth, and he heard the frog's shrill note from the marsh, the loon's cry from a distant pond, the hoot of the owl overhead, Thorndyke's mind turned to the mysteries of nature.

How strange that wherever one goes, there he finds life, animals that move, breathe, sleep, feed, love, fear, hate. Life is everywhere. Go to the tropics and you find it there. Go to the frozen north, great whales are there; take the most powerful microscope and examine the smallest drop of water, it is a world filled with its living beings.

And what a beautiful world is this in which we live! How much more beautiful than fancy can imagine! A globe floating in infinite space, swinging in measured circle round its central sun; its mountains clad with verdure or capped with snow, glancing back, in green or gold, the ever-changing brilliance of the sun; its ocean lifting its crested waves and dashing them in broken foam upon the obdurate rocks of some stern headland, or its surface ruffled by the gentle zephyr wooing the dust-stained toiler to its soft and comforting embrace; its green earth, jocund with the voice of beast or

bird; its trees, flowers, grass, grain, earth, water, rain, hoar-frost, snow, rivers, meadows, fields, everywhere pregnant with life; the beast that creeps, the bug that crawls, the fish that swims, the bird that flies, plodding man; and over all the arch of the sky, veiled with fleecy clouds like the face of the happy bride, or blue with the measureless depth of infinity; this earth on which we dwell is a gem fit to adorn the imperial crown upon the forehead of the Almighty God.

The twilight deepened, and before Thorndyke was aware of it, the canoe had passed through a cut, about ten or fifteen feet in width, in the westerly bank of the river and come out upon a small circular lake, surrounded by the towering forests and having a diameter of perhaps a half mile.

"Where are we going now?" asked Thorndyke.

"Into the Lower Metallak," said the guide.

"Was it here that they found the old Indian chief, Metallak, when he was old, blind and alone?"

"Yes, it was here."

"Where was his camp?"

"On the bank in front of us."

"Do we camp there to-night?" asked Thorndyke almost in awe, for he was thinking of the strange mutability of human life.

"We camp there to-night," said the guide.

Part Six.

For three days Thorndyke lived in what, to him, was the Garden of Eden. Their provisions were abundant, so the material man was provided for, and he had an ample opportunity for fishing, to observe the wild animals, and to enjoy the beauties of nature.

In their fishing they had aimed at quality rather than quantity, hence they had fished in the river and the Lower Metallak, where the larger fishes were to be found, and had not fished in the brooks, where the trout were more numerous but smaller. Until the last day, they had only fished for what they could use in the camp. They had cought all they wanted and "didn't half try," to quote an expression of the Squire's. The last day, while on the way down, they caught what they wanted to carry home. During all the time they were up river, however, they caught no very large ones. Thorndyke's trout caught at Errol Dam was as large as any, and Dooley always persisted in making this the prize trout of the trip.

In the afternoon of the second day they made a visit to the camp of Dudley and Shurtleff, on the shore of the Upper Metallak. William Henry Shurtleff, Esq., formerly of Colebrook, but then of Lancaster, where he was Police Judge, besides being a member of the State Board of Fish and Game

Commissioners, and Jason H. Dudley, Esq., of Colebrook, County Solicitor for the County of Coos, were both lawyers, and had for many years a log camp on the Upper Metallak, where they spent three or four weeks each summer. Judge Shurtleff, who was a large, fine-looking man of about sixty years, told the party on the occasion of their visit when Thorndyke was there, in 1885, that he had spent his birthday, which comes in the latter part of July, at his camp on the Upper Metallak each year for the past ten years. Dudley is a lineal descendant of the early Massachusetts Colonial governor of that name. Shurtleff was the elder, but both men were then in the prime of life, and each did a prosperous law business. The camp belonged to Shurtleff and Dudley, but usually there were more in their party, as they always brought along several of their friends.

This year, beside others, the party contained William P. Buckley, Esq., a young lawyer of Lancaster, and recently admitted a member of the firm of Drew, Jordan & Buckley. Buckley, commonly called Buck by his friends, who are many, is a tall, well-built fellow, with a clerical appearance and a sadly solemn face. On first acquaintance he makes you feel that he has recently met with a great grief which he manfully tries to hide from the world.

The Upper Metallak is six miles further up the Magalloway. About halfway between the Upper and the Lower Metallak is the Camp-in-the-

Meadow, maintained by the Parmacheene Club. The Upper Metallak was also a favorite camping place with the old Indian chief. It is a pond or lake of about the same size and shape as the Lower Metallak, but is located on the east side of the river, instead of the west, as is the case of the lower Metallak. Like the Lower Metallak, it is separated from the river by only a narrow strip of bank through which the outlet breaks, making a channel large enough for the passage of a canoe.

It was about five o'clock in the afternoon when the Squire and Clark, the Deputy, with a guide, in one canoe, and Dooley and Thorndyke with a guide, in the other, paddled through the outlet and into the waters of the Upper Metallak. Across the lake was a small area of perhaps a quarter of an acre where the trees had been cut for fuel; and beyond was the log camp with its veranda, looking like a settler's cabin.

Crossing the lake, they left the canoe at the landing, and went up to the camp, where they received a hospitable welcome from the proprietors. Thorndyke was formally introduced to the members of the party by the Squire, all of whom he appeared to know. When he introduced our hero to Dudley, he said:

"Let me make you acquainted with Mr. Thorndyke, Theophilus Thorndyke; he's a new lawyer, just located at Berlin. He may have a case that he'll want to have you present to the grand jury.

He thinks my decision wa'n't right, and I tell him to go to you and you'll straighten it out for him."

"What kind of a case is it?"

"Woman had her husband arrested for assault and battery."

"And you discharged him?"

"Yes."

"On what grounds?"

"Wa-al, she was a kind of a cantankerous kind of a critter, had been slingin' mud at him and his folks more or less, and he up and hit her a couple of whacks over the head with a stove-poker. Cook came in and defended on the ground that the man had to do something; and, as goin' to law wouldn't help him out any, he could make her shut up without."

"Cook argued," said Thorndyke, breaking into the conversation, "that there was a remedy for every wrong; that it was a remedial wrong for a wife to call her husband disgraceful names; that there was no legal remedy, because, being his wife, he would have to pay her fine if she got one; hence he had to furnish his own remedy if he had any, and consequently could exercise violence toward her. I say that is not law."

"Did Cook argue that?" asked Dudley of the Squire.

"Yes."

"And made you believe it?"

"The way Cook served it up, it looked pretty

good, and I swallowed it, bait and all, hook and line, bob and sinker."

"Cook is a good talker," said Dudley.

"Yes," assented the Squire.

"Well," said Dudley, "I guess that isn't the law in New Hampshire yet a while. What do you want me to do about it?"

"Can't you put it before the grand jury now?"

"Was it a simple or an aggravated assault?"

"Which was it, Thorndyke?" asked the Squire.

"Simple."

"And you had a hearing on the merits and found him not guilty?"

"Yes."

"And, of course, you acted honestly. There was no fraud or other circumstance to make your decision illegal?"

"Fraud? Of course not."

"I guess that settles it. The offense was within your jurisdiction to try and determine. You found him not guilty. To try him again would be to try him twice for the same offense,—wouldn't it? And the Constitution prohibits that."

"So the case is dead?"

"Dead as Julius Cæsar, I should think."

"Wa-al, perhaps she wouldn't care to take it up now, anyway. They've gone to living together again, I understand."

While this conversation was taking place, Judge Shurtleff had been busy in a small side room that

evidently served for a pantry. He now came out with four glasses filled with a dark-colored liquid.

"That's black strap," he said, "made from the best of rum and molasses, and it won't hurt you."

The Squire and the Deputy were served first, then Dooley and Thorndyke. The latter meanwhile eyeing the Squire from the corners of his eyes to see if he was noticing, which he appeared not to be.

And here we desire to pay our respects to the black strap made by "Uncle Henry," as Judge Shurtleff was familiarly called by his friends. It delights the taste, pleasantly tickles the palate as it passes the throat, and warms the cockles of the heart without offending the stomach; all important qualities in a drink. If he were not a lawyer, Uncle Henry might have become famous as a mixer of black-strap.

"How have you found the fishing?" inquired Judge Shurtleff.

"Fair; we got a good mess coming up the other day, and have caught quite a lot to-day. We are getting all we want," said the Squire.

"Any big ones?"

"No, nothing to amount to anything, only just common trout. Oh, I believe Thorndyke caught a pretty good one down at Errol Dam the other night as we came up."

"We have been having pretty good luck here. Yesterday I was out about three hours along in the evening and I caught eight that I should think would

average between two and three pounds. I guess the largest one would weigh three pounds and a half. We have got some of them yet. When we came up, we got a cake of ice at the Camp-in-the-Meadow, and by keeping it covered up it lasts a week, so we can keep fish fresh as long as we want. I shall have to show them to you before you go."

"Yes, Thorny did catch a big one down at Errol Dam when we came up. Bigger than any you've caught, I should think," said Dooley.

"How big was it?"

"We didn't weigh it, but, if I am any judge of trout, he must have weighed seven or eight pounds. I should judge all of that. It was big enough so that he sent it down to Berlin to a friend of his."

"I should like to get hold of another such a trout as I seen once up to Parmacheene," said Clark.

"How's that?" inquired Shurtleff.

"You've been there?"

"Yes."

Whereupon, the Deputy narrated his adventure with something that killed a trout on his line at the foot of Parmacheene Lake.

"When I got up to camp that night," concluded the Deputy, "I weighed the trout I had on my line when that old feller grabbed him, and he weighed just four pounds."

"What do you think it was?" asked the Judge.

"That killed the fish on my hook?"

"Yes."

"He was the prettiest square-tailed trout you ever laid your eyes on. When he made a grab for the fish on my line, he turned up sidewise, shark-like, and I could see him as plain as I can see you. He was as long as that," clasping his thigh close up to the body, and extending his leg and foot the whole length, "and he was thicker through the body than that," exhibiting his thigh at the same place, "and he had spots on his side as big as my finger nail, and as red as blood."

"How much do you think he would weigh?" asked Dooley, for Judge Shurtleff was silent.

"Twenty to twenty-five pounds at the very least," said the Deputy. "He was the likeliest trout I ever saw in my life."

"Oh, well, of course, if you are going in to see how big a yarn you can tell about a fish you didn't catch and didn't weigh, I'll give in to you Berlinites every time; but I am talking about real fish; something that you have weighed, or got on ice to show. When you get around, ready to go home, I want you to see what I have got."

"Let me see you a minute, Dooley," said Thorndyke, rising and starting toward the door; Dooley followed. When they were outside by themselves, Thorndyke said:

"Don't you think you are laying it on pretty thick, setting the weight on my trout at seven or eight pounds?"

"No," in surprise, "Do you?"

"You only called it a pound and a half or two pounds when we caught him."

"You don't allow anything for his growth. I tell you that trout of yours was one of the growthy kind."

"But somebody will inquire into it if we brag him up too much and catch us in a—a—yarn, won't they?"

"Who is going to catch us?"

"Oh, I don't know."

"Of course you don't. There won't anybody."

"Well, if we get into a scrape?"

"Scrape your grandmother," said Dooley in disgust. "Thorny, you mean to be a pretty decent fellow; but you are aggravating on a fishing trip. You catch a big fish and don't want to let anybody know it."

"Well, if you go any higher, you better leave me out."

"No, sir, you are going to stand up for your own fish. Why, I am ashamed of you. Here you are, a stranger in a strange land, just come into this country, and here I am taking a fatherly interest in your fishing. It's downright ingratitude, the way you talk."

Just then Buck came out and Thorndyke said no more.

Now, it happened that Buckley had taken it into his head to fish in a small brook the day before, and as a result, had brought home a few small trout,

some not more than five or six inches long. Judge Shurtleff had seen them, but had condemned them as too insignificant to be cooked, and Buckley had left them in a pail of water.

As soon as he came out of doors, Buck went and got some of the small fish which he had caught and the three young men uncovered the cake of ice where the Judge had stored his trout.

Shurtleff had nine or ten trout that filled an old fashioned milk-pan full. These were taken out, and secreted in the moss and grass packed around the cake of ice; and in their place, Buckley put some of the small trout which he had caught in the brook. The cover was then replaced on the pan and it was put back on the ice and carefully covered with the grass and moss.

The twilight deepened, and it finally became quite dark. The Squire announced that it was time for him and his party to return to their camp. Soon he and Clark came out, accompanied by Dudley and Judge Shurtleff, who carried a lantern.

"Now, I'll show you some real trout," said the Judge to Clark. All went to the bank where was the cake of ice. Buckley with the two young men were on the opposite side from the Judge. Carefully he removed the moss and grass on top and then Clark lifted out the pan and set it down on the ground. "There," said the Judge, "those are what I call trout," and he took off the cover of the pan and held the lantern down so all could see.

There, on the bottom of the pan, in pathetic loneliness were the three little trout, neither of them more than five inches long. An expression of anger and extreme disgust came over the Judge's face, and glaring at Buckley, he said:

"I like a consummate fool, but you suit me too well."

Then, with a tremendous kick, he sent pan and all flying in the direction of Buckley, and without another word turned and went into the camp.

Tradition says that for two hours the Judge sat in his chair in the camp, speechless; that for two days he refused to be comforted, and for a week would not speak kindly to Buckley.

Part Seven.

The Androscoggin Indians, who inhabited the Androscoggin valley before the advent of the white men, were not the only people who have navigated its waters, camped upon its shores and in the adjoining forests. There is to-day a people as numerous as the Androscoggins ever were, who live in the forests and on its waters, and its shores. These people are the woodsmen. Did you notice as you drove up river from the Berlin Mills, how its surface for miles was covered with spruce logs, in many places packed by the current of the river several logs deep? Did you notice the piers and booms placed at various intervals? Did you notice at various other places between Berlin and Errol Dam, and notably at the head of Pontook Falls, other large quantities of logs? If you did, you noticed the work of the Androscoggin woodsmen; the men who cut the timber which is finally converted into newspaper or manufactured into lumber.

The Androscoggin woodsman, of whom there are several hundred, whether wielding his axe in the snows of winter or plying his cantdog on the river in the summer, is an interesting personage, scarcely less so than his predecessor, the Indian with his bow and spear and canoe. The woodsman comes from no particular nationality, and he excludes none. Though living in the country, he is cosmopolitan in

origin. English, Irish, French, and an occasional old-line Yankee, may be found in greater or less proportions. The woodsman's year may be said to begin shortly after midsummer, just before which time the work of driving the logs down the river to their destination at the mills has been completed. When this has been accomplished, the woodsman's connection with the logs ceases. They have been brought to port, and he starts for a new supply.

For the next six months he lives in camps and labors at cutting the logs. During the fall the trees are cut down and cut up into logs, and then hauled together into convenient piles; "yarded," he terms it. When the snow is deep, the logs from the yards are drawn to the bank of the river or a tributary. This work of cutting and hauling usually continues until some time in March, when the melting snow renders it no longer possible to labor advantageously at cutting the logs, and it only remains to drive them down the stream to the mill. But between the breaking up of logging, at which time he receives his pay for his fall and winter's work, and the beginning of driving, is a period of enforced idleness.

Squire Pillsbury, as the Justice of the Peace before whom persons under arrest for petty offenses were usually brought for trial, exercised an almost paternal function among the Androscoggin woodsmen, many of whom he had known from boyhood. But perhaps we cannot better show this side of the Squire's character than by giving the conversation,

duly expurgated, which occurred between two of them and Dooley and Thorndyke, as they were sitting one evening by their camp fire at Errol Dam. It was the night before their return to Berlin. Dooley and Thorndyke were alone, as Clark and the Squire had gone down to the hotel at Errol.

"Hello!" said one of the men as they came up to the fire and threw themselves on to the ground beside it. They both wore boots, the soles of which were thickly studded with stout brads, "corks," as they are called, showing that they had but recently come from the drive, where such boots are required to prevent the workman from slipping when walking on the logs.

"Hello!" replied Dooley, and then apparently to keep the conversation up he added the question, "Going up river?"

"Yes, me and my chum," for one of them did the talking. "We are going up to Cupsuptic, to No. 6, for George Horne." Horne, by the way, is a boss for the Berlin Mills who takes charge of a camp in the woods in the winter, and a section of the drive in the spring.

"I do cookin'," continued the speaker. "I'm the man that got sacked down at Pontook last spring, did you hear about it?"

"No. How was it?"

"Some of the boys came up from Berlin fishin', do ye see? And well, before the day was over things got to goin' kind of crooked, do ye see? And

I couldn't just see things straight myself. Well, anyway, I mixed up a batch of bread, and things being crooked as they was, I left out something or other; anyway she wouldn't come up. In the mornin' I stirred her some more, and did everything I knew, but she was that heavy you couldn't raise her with a derrick, do ye see? So I got the bounce."

"That was heavy dough, certainly. Where have you been since then?"

"Berlin, till I got the G. B. there too. I'm the man that was ordered out of town by old Squire Pillsbury, do ye mind? You was there at the time. I know you, you're a lawyer down to Berlin, and that other feller, he's a lawyer too; got an office over the barber shop."

"Been to supper?"

"No, but I'm goin' down to Maloney's camp in a little while."

Maloney was a jobber, and had a job peeling pulp wood about three miles further down the river. Our party had seen his tents as they came up.

"We have got some tea and some fish cooked, and I'll make some flapjacks in a minute or two, and you can eat here."

"Don't bother."

"No bother at all."

And so Dooley brought some food from the tent, set the tea-pot on the fire with a fresh handful of tea, for your woodsman drinks his tea strong, and then set about frying some flapjacks.

And here we might suggest that there is hardly a more useful utensil for the camper than a frying-pan. When you are buying one, pick out one with a long handle if you can. In a frying-pan you can cook fish, meat, warm up potatoes, and we have known them to be used in boiling water, to make tea or even a soup; and then they are just the thing to cook flapjacks. Flapjacks take the place of bread, biscuit, and pastry with many a man when camping out. When you are getting ready to go, get your wife, mother, or whoever you have for women folks, to mix up some flour with baking powder or soda and cream tartar, if she uses that, or whatever she uses as a raiser. Put in just what you would need if you were going to cook them, but do not wet it. Then take the mixture and pack it in something that will keep it dry. A tin coffee can will do. Then it will keep as long as it is kept dry. When you want to make flapjacks, all you have to do is to wet up some of it in a dish with cold water, and your flapjacks are ready to fry.

Now, flapjacks are like griddle cakes, with this exception; that, whereas you put down a spoonful of batter for a griddle cake, and usually cook several in the pan at the same time and turn them with a knife, you only cook one flapjack at a time and keep putting in dough until you cover the bottom of the pan; and instead of turning them over with a knife, resort to a slight trick of jugglery. Turning flapjacks is an art to be acquired only by

practice. You grasp the handle of the frying pan, and lifting it from the fire, shake it lightly, to see that your flapjack is not stuck down; if it is, loosen it with a knife; then you give it a little toss, your flapjack turns a somersault, and when it comes down you catch it in the pan, turned the other side up. You had better begin with small ones, for you may make a miss of it occasionally when you begin, and it would not be strange if one landed once in a while on the ground or in the fire instead of the pan; but after a little practice you will be able to cover the bottom of the pan and catch your jack without even spattering the sides. Dooley had fried most of the flapjacks on this trip, and was particularly expert at it. Soon the woodsmen were eating some cold fried trout which they held toward the fire on pointed sticks to warm, drinking their tea and dividing an occasional flapjack which Dooley from time to time handed out.

While thus engaged, who should drive up but the same Walter Buckman who had called when they were there on their way up. He got out of the wagon and came toward the fire. A practised eye might perhaps have detected a slight uncertainty in his steps, but neither Dooley nor Thorndyke noticed it.

"Howdy," said he when he had reached the fire.

"Howdy," said Dooley, picking up the frying pan to see if the flapjack was sufficiently done to turn, and finding that it was not, returning it to the fire.

Working A Trout Brook

"There was a man up at the Diamond caught a pretty good trout this afternoon," said Buckman.

"How big?"

"Tipped the scales at just six pounds."

"Where?"

"On the Rips near the mouth."

"Who was he?"

"Mr. Menges, of New York. He's goin' in to Hell Gate camp in the morning."

"Thorny caught a pretty big one when we were here before, didn't you, Thorny?" asked Dooley.

"Yes," said our hero, as in duty bound.

"I should think Thorny's would have weighed eight or nine pounds, shouldn't you, Thorny?" continued Dooley, shaking the flapjack in the pan, preparatory to turning.

"Yes," said our hero loyally, but rather faintly.

"Same one you told me about when I was here before?" asked Buckman sarcastically.

"Yes, but I have been thinking it over—"

"You're a liar," said Buckman, breaking in; "when I was here before you only called it three or four pounds, and you hadn't weighed it at that."

"Liar is a fighting word," said Dooley coolly.

"You Berlinites needn't think you can come up here and catch all the big fish. I'd as liefs fight you and your whole gang as not," said Buckman, making a rush toward Dooley.

"But he soon came to a sudden stop, for Dooley, picking up the frying-pan, with a dexterous swing,

threw the half-cooked flapjack and landed it, dough side toward him, in Buckman's face. As Buckman was clawing at the flapjack with both his hands and later trying to rub the dough out of his eyes so that he could see, Dooley casually remarked, "With enough dough I could lick a regiment."

And here Thorndyke did what he afterward considered as the right thing at the right time, a thing which he so rarely did that he could not help patting himself on the back for days after. He went into the tent, found the tin wash-dish, a cake of soap, and a passably clean towel, all of which he presented to Buckman for use in removing the evidences of the fray. Buckman's anger was appeased by this slight attention on Thorndyke's part, and there was no occasion for any further demonstration of the value of batter and a fry-pan as a weapon of offense or defense, for by the time Buckman had washed his face, his wrath had cooled, and peace between the warring parties was soon concluded. In the language of diplomacy, "the incident was considered as closed." Thorndyke, Dooley, the woodsmen, and Buckman remained sitting around the camp-fire until the Squire and Clark returned from the village of Errol.

The Squire at once recognized the woodsman who had been before him charged with drunkenness, and greeted him cordially, for the Squire knew the man well, and, except when in liquor, he was a valuable man, honest and trusty.

Soon Buckman and the woodsmen took their departure, Buckman continuing on to Colebrook with his team, and the two woodsmen going back to Maloney's Camp.

When the Squire and Clark had gone into the tent, Thorndyke remarked to Dooley:

"Well, what do you think of it now?"

"Think of what?"

"That trout of mine."

"He's a big trout, and he keeps growing same as I told you he would."

"Buckman didn't take very kindly to it, did he?"

"The trouble with Walter is with his digestion. That's poor, and he can't swallow clear trout, in large doses. You meet such folks occasionally and when you do, why, give them something to go with it. Walter was all right as soon as he got the flapjack."

There was a moment's silence and then Dooley continued reflectively.

"It isn't to be wondered at, either. Walter wa'n't to blame. He wa'n't expecting so big a trout. Now take a trout like yours that weighs a dozen or fifteen pounds."

"What?" in surprise from our hero.

"I say take your trout that weighed from fifteen to eighteen or nineteen pounds and put it up to a man in one dose without any previous warning, and it isn't strange if he kind of squirmed a little at first."

"Considering that he has been dead a week, he is a growthy trout, isn't he?" said Thorndyke.

"You bet, that kind always grow fastest."

"Faster than Jonah's gourd. It seems to me that you put it pretty big, don't you?"

"Now, see here, Thorny," said Dooley in disgust, "the way you're going at it, you won't ever amount to a snap. You won't catch any big fish, nor have any big cases. Of course, you can take a back seat if you want to; but you will make a mistake if you do."

"Anyway, you got out of it all right."

"Of course I did. A man always can if he has his wits about him,—and that was a big trout of yours, that helped some; but what would that amount to if you don't advertise? Talk it up, let people know you are in the world. If you catch a big fish, tell of it. That's the way to be a big man, and do a big business."

How many reputations have been made by Dooley's methods!

"Some are born great; some achieve greatness; and some have greatness thrust upon them."

On the way down, our party did not stop at Chandler's for dinner. They started early in the morning and drove through in the forenoon. When they reached the hotel, John was standing near the veranda, and the Squire reined in for a moment's talk.

With Chandler at the time was a large man with

a large head, dark eyes, and a flabby face with a scanty growth of whiskers. There was a general air of lack of tension about him. His gait and movements indicated that his muscles were not tightly strung. His joints seemed loose. When the party again proceeded, Thorndyke learned that this man was Bill Whipple.

Soon after the return to Berlin, Thorndyke was presented with a bill, by the Squire, for a quarter of the expense of the trip. Thorndyke's share was eleven dollars and twenty-nine cents. Included among the supplies was a charge for four quarts of "bait," at a dollar a quart. At first Thorndyke thought this rather strange, considering the way it had been appropriated by the Squire and the Deputy, but he recollected that they had furnished transportation and he offered no objection to the charge. He had no funds, and told the Squire that he would pay in a week or two, which he did; but in order to do so, he ran behind two weeks in the payment of his board.

CHAPTER VIII.

GRIFFIN V. THE GLEN MANUFACTURING COMPANY.

"My papa wants you to come up to our house," said a little girl, apparently about ten years of age, to Thorndyke, one forenoon as she stood in the door of his office over the barber shop.

"What does he want?"

"He got hurt down to the Glen, and I guess he wants to see you about that."

"Where do you live?"

"On the first floor of Archie Lessard's house, on Mason Street."

"What is your papa's name?"

"John T. Griffin."

"Very well, tell him that I will come right up and see him."

The little girl went out, and Thorndyke soon followed. He knew the locality perfectly, and was soon at his destination.

It was a three-story wooden tenement building containing suites for six families. Mr. Griffin occupied one of these on the ground floor. Thorndyke knocked at the door and was admitted by a tidy but

plainly dressed woman with sleeves rolled up, evidently engaged in housework.

From this circumstance Thorndyke concluded that she must be the wife of Griffin, mistress of the house, and mother of the little girl who had called at his office, as indeed she was.

Four rooms comprised the portion of the building occupied by the Griffins; and from the shape of the house it seemed probable that the other tenements were of the same size and arrangement.

On going in from the street the visitor entered the sitting-room. Beyond this was a room which served as kitchen, pantry, and dining room, while at the sides were two bedrooms. There were three other children, all younger than the girl sent to Thorndyke's office; the youngest, a baby, just learning to walk. The rooms were neat and clean; but Thorndyke wondered how so many people could live comfortably in so little space.

He was at once ushered into one of the bedrooms, where he found a man of perhaps forty years of age, lying on a bed, while a foot and ankle dressed in splints and bandages projected from beneath the bedclothes.

After the usual salutation had passed, the man, who was Mr. Griffin, said, "I sent for you to come and see if I have got any chance against the Glen."

"That depends on how you got hurt. I can't tell till I know how that happened."

This was soon told. Mr. Griffin, with others, had

been at work excavating the roadbed for a railroad line to connect the Grand Trunk Railway with the mill yard of the Glen Manufacturing Company. At one point a cut about four feet deep had to be made through some ledge.

To accomplish this, after holes had been drilled they were loaded with dynamite; and after having been covered with logs chained together, the charges were exploded. This covering with logs was necessary to protect the mill and other buildings.

A derrick, which was operated by a hoisting engine, had been erected near the side of the cut. After the ledge had been broken up into fragments by the dynamite, so that it could be handled, shallow boxes, called scaleboards, made of planks and bound with straps of iron, with only three sides, were let down by means of the derrick into the cut and filled with the broken rock. When a scaleboard had been filled it was again attached to the derrick, raised, swung around and dumped into a cart and the contents hauled away. These scaleboards were equipped with three rings fastened two upon opposite sides and one on the floor at the end where there was no side. Chains of equal lengths supplied with hooks at the ends were let down from the derrick and hitched into the rings when it was desired to raise the scaleboard.

These hooks at the time of the accident were not in suitable repair. They were partly straightened and were liable to unhook, unless held in their

places until all of the slack in the chains had been taken up and the weight of the scaleboard rested on them, when they would hold.

The method of doing the work was for these workmen to hold the hooks in the rings in this way when the scaleboard was loaded, and for one of them to hold up his hand as a signal to the engineman operating the hoisting engine, when he would work the engine slowly until the slack on the chain had been taken up, when the man holding the hooks would let go, step back, and the engine would hoist the load.

At the time of the accident when Griffin was hurt, the scaleboard had been loaded, Griffin with two others were holding the hooks in place, and Griffin was holding up his hand as a signal for the engineman; but the engineman was busy at work about his engine and did not see the signal. At this time the superintendent, Jim Perry, came along and, seeing the condition of things, shouted in a loud, hoarse voice, "hister, hister! There's a team waiting." Whereupon the engineman hurriedly seized the lever operating his engine, opened the throttle wide, thereby raising the scaleboard without stopping to take up the slack in the chains, and before the workmen had an opportunity to step back; thereby causing one of the hooks to come out of the ring. This dumped the rocks over on to Griffin and broke the bones in his left ankle. The accident had happened about three weeks before.

These facts were elicited by asking many questions; but at length Thorndyke came to have a fairly accurate conception of the way in which the accident had occurred.

"I suppose, of course, that you knew that the hooks were out of order, didn't you?" he inquired.

"Yes."

"Had you ever complained to the boss or to the corporation about it?"

"I never had, and nobody had, so far as I know."

"Then of course they hadn't made any promise to repair the hooks?"

"Don't know of any."

"It looks to me like a question of vice-principalship," said Thorndyke.

"What's that?" asked Griffin.

"Oh, it's a legal term. A vice-principal is any man who represents someone else. The person or corporation represented is called the principal. The one who represents him is called a vice-principal."

"What do you think of the case?"

"I can't exactly tell. I want to look the books over some before I try to say for sure; but it seems to me that you ought to recover."

"I don't see how there can be any doubt about it," said Griffin. "I was at work there doing my duty and should have been all right if Jim Perry had kept his mouth shut, or if the hooks had been safe. It seems to me that when a man is doing just as he is told, and gets hurt through no fault of his, the

company ought to be obliged to make it good. Don't it seem so to you?"

"That does seem fair, but it isn't always the law."

"Now, I'll tell you," continued Thorndyke after a short pause, "what I would like to do. I want to go down to my office and perhaps to one of the other offices and look up the books, particularly the New Hampshire Reports. I want to look up the law. Then I can tell you better about it. I suppose you can wait a day or two, can't you?"

"Yes."

And so it was arranged that Thorndyke should examine the law, and come back in a few days and see Mr. Griffin again. After a few words of general conversation and some inquiries as to the amount of pain which Griffin was experiencing from his injury, Thorndyke went away.

When Thorndyke had examined the law sufficiently, so that he had formed the opinion that he had no opinion to form, he went again to Mr. Griffin's house for another conference. He found Griffin still in bed, but suffering less pain.

"Well," said Thorndyke, "I have come up to talk the law of the case over with you. As I figure it out, there are two acts of negligence on the part of the company, for either of which, in my opinion, you ought to recover; but I am not sure that you can recover on either of them. In the first place, the hooks were defective and insufficient. If they

had been all right you wouldn't have had to stand where you could have got hurt. That's true, isn't it?"

"Yes," answered Griffin.

"In the next place, the superintendent came along and swore at the engineman, and hurried him by holloaing to him to 'hister, hister.' That's true, too, isn't it?"

"Yes."

"Now as to the first ground for maintaining the suit, that is, that the hooks were defective, I am afraid you cannot recover, because you knew their condition and stayed and worked, knowing that they were not fit."

"How do you make that out?"

"You knew they were not right, were out of repair, didn't you?"

"Yes."

"Then why didn't you quit?"

"Quit work?"

"Yes."

"How could I do that when I had the wife and children to support? A common laborer can't be always quitting."

"It may seem so to you, but the law says you can and must. The law is that if you find out that the company is giving you poor and unsafe tools or appliances, you have to quit or stay and work at your own risk."

"No, it don't neither."

"What makes you say that?"

"Common law is common sense, ain't it?"

"Sometimes."

"Well, it ain't common sense, and it ain't common law, that a man has got to quit anl let his wife and children starve, or stay and work and take his chances, just because the company don't care whether he has safe tools or not, and don't care whether he gets hurt or not."

"It doesn't seem right, does it?"

"It is not right. A man comes here to work and brings his family and gets a tenement and settles down. He can't be quitting every fifteen minutes, and he can't be running to the boss all the time either."

"Well, the courts have decided that way, and we have to take the law as they give it to us. The courts say," said the lawyer, trying to explain, "that the company and the employer are coadventurers, and so each assumes the negligence of the other, of which he knows and does not complain."

"Co-what?"

"Coadventurers."

"What does that mean—partners?"

"In a sense, yes."

"So I'm a partner with Hobson, Knowles, Hosford and Porter, who have been claiming to own the whole thing, am I?"

"Well, I don't know as you are an owner ex-

actly. Coadventurer is the word the judges use. That means that you share in the risks, I suppose and—well I can't say about the profits."

"It's a sort of 'heads you win, tails I lose,' ain't it?"

"Well it looks that way sometimes."

"I'm a partner with them, but they ain't with me?"

"Perhaps so."

"A confidence game played by the courts?"

"Oh, no; I wouldn't agree to that. The courts are always fair and honest and right."

"Well, if I'm a coadventurer, as the courts say, and take my share of the risk, and the courts are as you say, fair, honest and right, it's right that, if I take the risk of bad luck, I should have a chance at the good luck when it comes. I guess it's about time for me to be getting my dividends."

"But you have your regular wages."

"Don't Hobson, Knowles, Hosford and Porter?"

"I don't know."

"I don't; but they say Hosford gets ten thousand a year, and I suppose the others as much in proportion."

"You ought to have been a lawyer, then perhaps you could have brought the courts to your way of thinking," said Thorndyke with a smile.

Griffin was pleased at the implied compliment.

"Mary," he called, and immediately the little girl came into the room.

"Tell your mother to come," continued Griffin, and soon his wife with her usual pleasant and smiling face appeared.

"The lawyer here says I am a—what is it, lawyer?"

"Coadventurer."

"Coadventurer—partner as it were, with the company, the Glen. Now, Annie, I am thinking, if that is so, that I can use my dividends about as well now as ever. All I've got so far is my salary, the same as the other officers of the company. Now, put on your hat and go down to the office and tell them to send me up a couple of hundred dollars till I'm able to get out, and then I'll go down and we'll figure up and see how we stand, and I'll take the balance."

Mrs. Griffin laughed, for she was used to her husband's jokes; and Thorndyke, though at first somewhat chagrined, finally joined with the others.

"Well, it doesn't seem just right," he admitted, "but a judge in England about a hundred years ago, in the first case of the kind ever tried, laid down that rule, and the rest of the judges have followed it ever since."

"Well, you know best, I suppose. Say, you said something a while ago about another chance. What about that. Vice, what is it. Vice-adventurer?"

"Vice-principal, you mean, I guess. The superintendent."

"Yes. What about the super?"

"The law on that point isn't very well settled either way. In some States, we could recover; in some we could not. The question has never been passed upon in New Hampshire, so far as I can find out. We stand an even show on that ground, perhaps."

There was more discussion of the case, and finally, the question of whether or not a suit should be brought was reached. Thorndyke was, of course, anxious to bring one.

"I haven't any money," said Griffin.

"Can't you rake up enough to pay the sheriff for serving the papers and to get the witnesses to court?" asked Thorndyke.

"How much will that be?"

"Two or three hundred dollars will cover it, I think. If you can get together enough to pay the money out, say three hundred dollars, I will go ahead; and you can pay me later when we win out."

"That's a pretty big sum."

"It only takes two or three dollars to get the writ served, and the rest won't come till the trial."

"I don't know as I shall have it then."

"I guess you will. Perhaps you can raise the money somewhere. You had better let me bring the suit anyway. Perhaps they will settle."

"Well, if you want to."

And thus it was arranged.

Thorndyke returned to his office and brought suit.

The writ was returnable at a term of court which convenes the third Tuesday of October.

By a rule of court, if thirty days' notice is given to the adverse party, the case can be tried at the first term. This notice was given.

CHAPTER IX.

A VISIT TO MOUNT PROSPECT.

"My wife would like to take an excursion to Mt. Prospect if there are a couple more who want to go," said Dooley, as he and Thorndyke met in the street one day soon after the return from the trip "up river." "Don't you think," he continued, "that Miss Pillsbury would like to go?"

"I don't know, but I can soon find out. Where is Mt. Prospect, and when are you going?"

"Mt. Prospect is over in the town of Lancaster. They have just built a hotel on the summit. It is three miles and a half from Lancaster Village; and they say the view is fine. We are not particular as to when we go."

"Let me see. I shall be busy all of this week," said Thorndyke, for he liked to make himself, as well as others, believe that his business was thriving.

"Very well, what do you say to next week, the middle of the week, say Wednesday, if the weather is fine?"

"All right, call it Wednesday. I will see Miss Pillsbury at once and let you know."

And so the young men parted.

How nice such a trip would be! How delightful to spend a whole day with the charming Miss Pillsbury. It made him almost happy to think of so much pleasure. But then the question came to him, would she care to go? And if he asked and was refused, how disappointed he would feel! He almost wished that he had not promised so quickly; but it was now too late to withdraw. So he determined to have an answer at once; and although it was then only a little after nine o'clock in the morning, he immediately started for the Pillsbury homestead, anxious to have the important question settled as soon as possible.

When, however, he reached the house his courage again almost failed him. How would Miss Pillsbury receive such an early call? He was tempted to walk by the house and defer the invitation to a more seasonable hour.

Notwithstanding his hesitation, however, his feet turned up the gravel walk, and he soon found himself standing before the front door of the Pillsbury homestead. Having gone thus far he could not turn back, so he rung the bell, and when he heard footsteps approaching which he recognized as those of Miss Pillsbury, he almost held his breath.

The door opened, and the object of his admiration stood before him, a towel tied about her head, her

sleeves rolled up to her elbows, and other evidences about her person that she was engaged in the morning's housework, apparently sweeping and dusting.

The exercise had deepened the healthy glow upon her cheek and intensified the air of energy which usually accompanied her person. Altogether it seemed to Thorndyke that he had never seen her to better advantage.

"Why, good-morning, Mr. Thorndyke," she said cheerily; "won't you come in?"

Then as Thorndyke entered the house, she continued, "I have been sweeping and dusting the parlor, so I will ask you into the sitting-room," and she led the way into a large, plainly-furnished room, which, nevertheless, had a decided air of comfort, and which was evidently used by the family as a living room.

Seated in the sitting-room, Thorndyke soon found himself at ease, and engaged in telling Miss Pillsbury about his business and its prospects for the future, in all of which she appeared to have a kindly interest; so it was not hard for him to declare the object of his visit.

"I have come up to see if you would like to go with me and Mr. and Mrs. Dooley on an excursion to Mt. Prospect," he said.

"When are you going?" she asked.

"The middle of next week, if it suits you."

Next week. Evidently there was no such pressing hurry as required an early morning call.

"Why, yes," she replied, "I shall be glad to go. I have wanted to visit Mt. Prospect ever since they began on the summit-house," she smiled, for she discerned in his eagerness for the trip the motive which had prompted the unusually early call.

After a little further conversation Thorndyke left the house, more convinced than ever before that there was only one woman in the world for him, and that woman—Miss Isabella Pillsbury.

To go to Lancaster one may leave Berlin at five o'clock in the morning on a mixed train. At Groveton a change is made from the Grand Trunk to the Boston and Maine. Though the distance is only thirty-five miles, the trains so run that one will not reach Lancaster until seven-thirty or later. Early breakfasts are a necessity.

"Won't you come up to the house and have a cup of tea and a slice of toast with me in the morning?" Miss Pillsbury asked Thorndyke the day before, and as he was glad to accept the invitation, 4.30 A. M. found him sitting at the table in the Pillsbury homestead.

Opposite him was the girl he had seen first in church, and even then he had imagined just such a situation. Yes, she was as charming as he had anticipated. She wore a gray suit, which Thorndyke thought was very becoming.

And what toast and tea! Both hot. The tea was fragrant. The toast was crisp.

"How many?" asked the girl, as she held up a

lump of sugar over a cup in which some milk had been poured.

"I don't care," said the boy, "fix it to suit yourself."

"What suited me might not you."

"I'll risk it this once," said he with a happy smile.

She put in one lump and then turned the cup full of tea. It suited his taste to perfection.

Mt. Prospect is not remarkable for height; but still it is a sightly place. Most of the White Mountains are in groups or ranges; but Mount Prospect and a lesser hill toward the south rise like a single shaft from the center of a small plain to an altitude of several hundred feet. At first the ascent on all sides is gentle, but it grows steeper as one reaches higher altitudes. The mountain sides are covered with forest. The summit is a nearly level space of an acre in extent, which has been cleared of timber, and on which a hotel has been built. On all sides the ascent near the summit is by precipitous crags, and in some places difficult. A carriage road has been built from a highway near the base, and, partly circling the mountain, bursts out of the forest into the cleared space to the west in front of the hotel. On all sides a panorama of great natural beauty meets the eye.

On the west is the valley of the Connecticut; to the northeast is the valley of the Isreals River; while to the southeast is the valley of the John's River.

These two latter streams flow into the Connecticut at points about ten miles apart, while their sources are near together, several miles to the east. Mount Prospect is in the triangle thus formed. Northerly across the valley of the Isreals River is the Pilot Range of mountains, the highest peak of which, Star King, has an elevation of thirty-eight hundred feet. A little south of east and only about fifteen miles distant the Presidential Range stands out in bold relief. One has an excellent view of Mt. Washington and Mt. Jefferson. The summits of Adams and Madison can be seen, but these mountains are partly hidden by the others. To the south and west are smaller hills. Looking westerly the Connecticut seems to be almost at your feet, winding through a meadow two or three miles wide, and stretching from north to south between the hills; while nestling near it at the base of the mountain is the lovely village of Lancaster. Easterly on high ground, beyond the Isreals River, is Jefferson village, noted as a summer resort.

Did you ever notice that a man who has little is often prodigal?

When the party reached Lancaster they went to the Lancaster House, a large and commodious hostelry where John Lindsey, now well advanced in years, had long been a favorite with the traveling public. Here a team for the drive to the summit was hired. Thorndyke made the suggestion that they take breakfast; but he quickly withdrew it

when Miss Pillsbury inquired if his breakfast in Berlin had not been satisfactory. Evidently she did not intend that he should spend money unnecessarily on her account.

It proved to be a beautiful day, the weather warm and balmy. In the morning there were many guests about the house on the summit, but in the afternoon Mr. and Mrs. Dooley took a stroll in the cleared space in front of the house toward the east; while Thorndyke and Miss Pillsbury found themselves side by side in a settee, the sole occupants of the veranda at the rear, fronting toward the west, and overlooking the shining waters of the Connecticut and the village of Lancaster.

This led young Thorndyke to remark:

"The river and village below make me think of the Rhine."

"The Rhine?" in surprise, "have you been abroad?"

"I lived there once."

"Did you?" in even greater astonishment. "When?"

"Oh, a thousand years ago, more or less."

"A thousand years! Why how old are you?"

"In one sense I am immortal, have always lived, and shall never die. In another I am some millions of years old, since the form of life which I now enjoy dates from the time when life first appeared upon this earth. The wise men, the geologists, biologists, and evolutionists, tell me that that was

some millions of years ago, exactly how many they do not now presume to say. In still another sense, I am only twenty-six years old. My twenty-six-year-old self has never seen the Rhine.

"When did you learn all that?"

"Oh, as to the fact that we have lived before the present we have the argument of Plato and Socrates, as well as the belief, past and present, of a larger portion of the race. There are various circumstances that seem to point in that direction. To my mind what we call our imagination is one. I believe that in the ultimate analysis we shall find imagination to be but a memory of experiences undergone in a previous existence."

"But you can imagine anything."

"I doubt if you can imagine a thing which could not have been within some human being's experience."

"Name something which I cannot imagine."

"Tell me your conception of existence without time or space."

The girl did not answer, and the young man continued:

"The experiences of our ancestors within human limits are almost infinite; the number of our ancestors as the sands of the seashore. What would you say if I should prove to you that you are probably a relative of Queen Victoria?"

"Impossible."

"Then let us see. You have two parents, a father and a mother, have you not?"

"Yes."

"And they each had two parents, so that you have four grandparents?"

"Yes."

"And you keep on doubling the number for each generation back, do you not?"

"Why, yes, I suppose so, but I never thought of it before."

"Your ancestors were English, I suppose?"

"Yes, but they came to this country long ago."

"That makes no difference. The average age of parents, for all of their children, is about thirty-three years; so that there are about three generations in a century. Do you agree to that?"

"Why, yes, I guess so, but what has that to do with Queen Victoria?"

"Never mind. Wait. Queen Victoria is a descendant of the Saxon, Alfred the Great. He lived about eleven hundred years ago; so that there have been thirty-three generations of men and women since his death. Now take your pencil and a piece of paper and see how many ancestors you had at that time."

"Let me see, two parents; that's one generation."

"Yes, now keep multiplying by two for thirty-two times, and see how many you have."

The girl took paper and pencil and figured for a few moments, and then exclaimed:

"Oh, dear! why do you give me such a problem. Here I am at twenty generations and have a million, forty-eight thousand, five hundred and seventy-six."

"Well, never mind to do it all. Blackstone says, and it was after reading him that I got the idea, that at thirty generations, if there were no intermarriages among relatives, one would have about a thousand millions of ancestors."

"Why, it doesn't seem possible, does it?"

"No, but it is true. Now, at the time of Alfred the Great, there were in all England, as it is supposed, less than three millions of people; so you see that your ancestors and those of Alfred the Great must have been the same; and there is a reasonable possibility that you may be a descendant of Alfred himself."

"But how can it be that I had a thousand millions of ancestors in England at a time when there were only a small fraction of that number living?"

"The difference is accounted for by the intermarriage of relatives. Blackstone explains it all if you care to read his chapter on descent. Now, I have another way," he continued, "to prove that you are kin to the Queen. What I have given is called the deductive method, but it can be proved by what Herbert Spencer calls the *à priori* method."

"Tell me that too. I want to know all about it."

"It is by comparisons. Queen Victoria is a

woman; so are you. She has blue eyes; so have you. At your age she was considered beautiful; and you"— And the young man paused with a tender, yet quizzical glance at the girl beside him.

"And I—what am I?" said the girl, returning the gaze.

"Oh, well," said he with a smile, "if you always behave as well as you look, you never will disgrace the family."

There was a slight pause; then the girl said:

"How strange! Even now I can hardly believe it. I should never have thought of it myself."

"Yes," said the young man, "but if we reflect a moment we shall find small cause for vanity. The same line of reasoning which would make us kin, perhaps, to England's Queen, would also make us each equally a blood relative to the most miserable creature that walks at night the Whitechapel district of London, or the slums of New York. We are descended from no one family, but from the race, and, in a broader sense, from humanity; broader still, from every form of animal life. You and I are not the children of our parents alone. We are the children of the Ages. Humanity is a family of which we are each members, and from which we are each produced by processes marvelously complex; and, if we may believe the wise men, extending back to the time when this earth was a warm semi-fluid mass."

There was a moment's silence, and then the girl remarked:

"You said a few moments ago that this made you think of the Rhine."

"Yes, that was where I learned to be right-handed," he answered.

"You did? How?"

"By the use of the sword and shield. We exercised with them so much in those days that our bodies became adapted to them in a measure; and they so continue to this day. You put a sword and a shield now into the hands of a man who never saw them before, and make him fight for his life, nine out of every ten would take his sword in his right hand, strap the shield on to his left forearm, and instinctively, as people say, but by force of habit, I maintain, assume a fairly correct attitude of offense and defense."

There was a moments pause, and then the young man continued with a half-serious, half-humorous air:

"Those good old days on the Rhine are past and gone. We led a strenuous life, but for all that, I sometimes think they were among the happiest that I ever lived. There was a fellowship among men whose lives were constantly exposed to the same peril that we do not now find. After you have had your life saved once or twice by a friend, and perhaps have been able to return the compliment,

you naturally become more than friends, you are comrades."

"How did you live in those days?" she inquired.

"Oh, very much then as now. The poor labored to produce the necessaries and comforts of life; while for the most part, the rich acquired them by indirection. About the only difference is that our methods were then more direct. To illustrate, nowadays a rich man calls together a number of friends and says:

"'I know a certain commodity!' It may be beef or sugar, or even nails. 'I know a certain commodity,' he says, 'which the people must buy. Go to, let us secure control thereof; then will we raise the price of the same and rob the wayfaring man and the stranger, thereby making great gains and profits.'

"In the good old days on the Rhine, a number of husky lads would meet, and one would say: 'I know a certain high hill and it overlooks the river, and the people as they go to and fro in the earth must pass by that way. Go to, let us secure control thereof; then shall we rob the wayfaring man and the stranger, thereby making great gains and profits.'

"The old adage, 'Business is business,' meant about the same then as now."

"Once," continued Thorndyke, "when I was living on the banks of the Rhine, I was a poor young man without family. As a matter of fact, I

was the natural son of a robber baron. My father had been an ambitious man, and my mother, though the daughter of one of his retainers and of humble birth, was a large, strong woman with a splendid physique. I had the strength of my mother and the courage and ambition of my father.

"On the whole father used me very decently. After I was old enough to leave mother, he took me to his castle, brought me up among his soldiers, had me taught all that his men knew of war, and when I was twenty, he gave me a suit of armor and a couple of good horses.

"Robbery was an honorable employment in those days, and I worked at it for father as long as he lived; but he died when I was twenty-six years old, was wounded in an encounter between his band and a rival concern, and, as the surgeons were an indifferent lot in those days, he had what we should now call blood-poisoning and died."

"My brother, my father's oldest son, by his wife, of course inherited the castle and the good will of the business. He offered to keep me employed at fair wages if I would stay with him, but I wanted to go into business on my own account. I said to myself, 'young man, if you always work for someone else, you will do the work and he will make the money.' So I determined to cut loose from such family connections as I had and embark on a career of my own."

"Twenty-six has always been a critical period

in your existence, hasn't it?" remarked Miss Pillsbury.

"I don't know. Why?"

"You were twenty-six when you opened your law office in Berlin."

They had already compared ages, and found that he was older by four years.

"Yes, twenty-six seems to be an important time with me," he admitted, pleased that she had taken sufficient interest in his affairs to recall his present situation.

"Do not let my interruption stop you," she observed, after a moment's pause, whereupon he continued:

"There were a dozen other young fellows, chums of mine, boys who had grown up with me, and who lived around father's castle, that were of my opinion. We formed a band. It was mainly my idea, and as I was larger and stronger than any of the others, and more determined, I was made chief. In those days blood was blood, even if it was illegitimate. Father had always been square with me; my half-brother had made me a fair offer; so I did not want any trouble with my own kith and kin, and we decided to go out of brother's territory to a location some fifty miles distant.

"At first it was pretty poor picking. The robber baron business was overdone anyway. We had no castle. All of the other houses in that vicinity were jealous of us, and tried their best to break us

down. Every time we made a haul and tried to settle down for a moment's rest, some big baron would claim that we were in his territory, and send out a force several times as large as ours and make us move on.

"We kept on in this way for two or three years. We occasionally lost a man, but we gained more, and on the whole made money. Still the business did not quite suit me. We were retailers, as you might say, and I wanted to go into the wholesale trade."

"You were like peddlers, I should think," observed the girl.

"Exactly," said the boy appreciatively, "and pack-peddlers at that; no young Hebrew ever hankered more after a store of his own than I did for a castle."

"There was a hill about like this and about as near to the Rhine as this is to the Connecticut, which we had found on one of our forays. When we had been in the business some two or three years and had got up to from thirty-five to forty men, I thought the time had come to make a try for a permanent location; and we settled on this hill.

"It seems to be a common idea that robber barons don't work; but that wasn't true in our case. We knew that other houses in the neighborhood would try to drive us out as soon as they found out what we were doing, and we worked night and day. We cut down the trees and made a stockade around the

summit. When we had enough of a fortification so that we dared, we raided the country round about, took in supplies and provisions, and captured a lot of farm hands, vassals of a rival house, and made them work each so many days, about sixty as a general thing, I think, for their liberty. In the course of a year we had our fortifications so well along that we thought we could withstand anyone within fifty miles, and there was no danger from anybody else.

So I sent for mother to come and keep house for me, and then I settled down for a quiet life."

"So that is the kind of life you led a thousand years ago, is it?" inquired Miss Pillsbury.

"I wasn't always so lucky. In fact, generally, I was the under dog in the fight; the robbed instead of the robber. I am telling you of one of my successful lives now."

"What happened after that?" asked the girl.

"Nothing worth mentioning."

"Oh," said the boy, after a short pause, "I must tell you about the way I got married.

"One time when I was out with a few of my men on a matter of business that I had with a Jew trader who was trying to navigate the river without paying the customary fees and charges, I happened to see the daughter of one of the neighboring barons; one of the aristocracy, and she appeared to me to be a very pretty girl. Later, there was a tournament, to which I and a part of my following went. I entered the lists, and as I won, I had the honor

of presenting to her the crown as Queen of beauty. But for all my successes, I knew that I never could marry her in the ordinary course of events. In the first place, I was of ignoble blood, and then I had not been in business long enough, so that I had any standing. I never dared to go out without a good band of well-armed men behind me. The older barons looked down on me about the same as Rockefeller, Morgan, Sage, Gould, the Vanderbilts, or any of the other aristocratic "frenzied financiers" look down on a man who has just entered Wall Street. I didn't dare to go to her father's castle to see the lady, for fear that he would put me in his dungeon or string me up to the limb of some nearby tree. I saw that I had to kidnap her if she was ever to be mine.

"So I took about a dozen of my best men and haunted the forest near old Scrubface's castle. Scrubface was her father's name. After a week or two we found her and half a dozen other girls outside the walls, and we seized them all and made for Hilltop as fast as our horses would carry us.

"My intentions were honorable. I would have preferred to have married the girl in a decent, respectable way; but circumstances over which I had no control compelled me to take the course I did. I took her on my horse in front of me. I am told that the proper thing for a young lady to do under such circumstances is to faint; but she fought and scratched like a demon, and by the time I had

reached Hilltop Castle with her, my face was a sight."

"What kind of looking person was she?" asked Miss Pillsbury.

"She was good looking," said the boy. Then looking straight at the girl at his side he continued, "She was rather above the average height, had a good figure, blue eyes, brown hair, and when good-natured, a pleasant smile." This was a fairly accurate description of Miss Pillsbury.

"What did she wear?" asked the girl.

"A tailor-made suit of some gray material."

This was also Miss Pillsbury's dress.

"Where did she get it?" asked the girl, thinking that tailor-made suits were not worn in the German forests a thousand years ago.

"At the tailor's, I suppose," said the boy, "but I am sure I don't know which one, for I am not paying the bills now— I mean I was not then, when I first saw her and brought her to Hilltop."

"Well, how did it come out?"

"I'll tell you. After I had brought my fair one home and had lodged her with the other girls in the best cells in the dungeon, I washed the blood off my face, put on my best attire, and went to make a social call. I wanted to get acquainted and be friends, but she wouldn't speak a civil word. I didn't stay more than fifteen minutes, and of all the Scotch blessings I ever got, that was the worst. Then I sent mother in to see her. She wasn't quite

so cross with her, but in a little while mother came out and said I had better stay away for a while.

"Considering the circumstances, I thought I was using the girl well. The only violence I offered to her was to take her as gently as possible and carry her off; but she seemed to take offense at that even, and when I tried to be sociable, she made my life miserable. In a day or two old Scrubface got his men together and besieged the castle with four or five times our number.

"I was a busy man there for a few days, I tell you. We had to fight like bull-dogs, and when I went near the dungeon for a social call of an evening, I found a still warmer reception there. In two or three weeks all of the other girls had married their beaux, and each and all made merry at my matrimonial failure. I was a laughing-stock for the whole camp.

"Finally, one night I got to thinking it over, and I just made up my mind that women were a nuisance anyway. Old Scrubface was making it hot for me outside, and my Dulcinea was doing the same inside the castle.

"'This Sabine courtship may work all right on the Tiber,' I said to myself, 'but it doesn't on the Rhine. I'm no Paris, I'm not trying to break up a man's domestic happiness. If my Dulcinea would rather be an old maid in Scrubface Castle than Lady Hilltop, so shall it be. That girl goes back to her papa before I am a day older."

"Next morning I sent out a messenger with a bugle and flag of truce. He met a representative of old Scrubface, and they arranged an armistice and for a meeting of peace delegates, between the lines of the two hostile forces. In the afternoon my prime minister and two others met his chief henchman and a couple more, and they signed a treaty of peace wherein it was provided that if Scrubface would give me four complete suits of armor and forty new swords, and call off his dogs of war, his girl might go home as good as she was when she came.

"When we had it all arranged, I went round to the dungeon to make my final call.

"'Well, Dulcinea,' said I, getting behind a chair and standing up in a corner to guard against surprises, 'I have come to tell you that you are soon to have your freedom. Your papa has agreed to go home if I would let you go with him, and you can go.'

"'Did you give up so easy as that?' she inquired.

"'Well,' I said, 'he agreed to give four suits of armor and forty swords into the bargain.'

"'You mean, cowardly, dirty, good-for-nothing thing,' she said. 'As if you would sell me for such a paltry sum. I hate you more than ever.'

"'What's the use of our quarreling all the time?' I said. 'You have only been here two weeks, and already you have surpassed anything recorded of Xantippe.'

"Then she began to cry, 'you haven't any right to turn me out like this after the way you forced me to come here,' she said.

"'What do you want to do?' I asked. 'You won't marry me, and—'

"'You haven't asked,' she said. And that was true, too, she had always done the talking, and I had supposed it was no use.

"So I asked, was accepted, and sat down and spent a real pleasant evening. We found out when we got acquainted that we were natural chums.

"The next morning I decided to have a talk with old Scrubface himself.

"We carted a lot of rocks that we had there for a reception to hostiles to the platform behind the stockade; and then I sent word to old Scrubface to come round there so I could talk to him. Then I put on my strongest armor and went to the stockade to meet the old man."

"What did you do that for?" asked Miss Pillsbury.

"What do you mean?"

"Get the rocks and put on the armor?"

"I have always understood," said Thorndyke, "that a man can't be any too well protected when he asks her father for a girl's hand in marriage."

'Oh! well, how did it come out?"

"When the old man got as near as I wanted him, I stood up behind the stockade and halloaed. He stopped. He was a short fat man with a stubby

beard. He rolled his r's and spoke as broad as a man just from the bogs of Ireland."

"How did you speak?" asked Miss Pillsbury.

"I spoke United States, of course," said Thorndyke. "You don't suppose I would speak anything else, do you?"

"No-o. Well, go on."

"Good-morning,' I says to Scrubface.

"'Gud mor-r-rnin,' says he.

"'Dulcinea says she won't go home,' I said, halloaing loud as I could, so he could hear.

"Then she wo-o-n't,' he says. 'She takes after her muther-r-r.'

"'She says she will marry me,' I says, still shouting as loud as I could.

"'Then you'll have to,' he said. 'She won't let you off; and I won't let you out.'

"And so we were married."

"And lived happy ever after," said Miss Pillsbury.

"Yes," said the young man. "She made me a good, faithful wife, was a good housekeeper, saving and economical; but,"—lowering his voice, as if in confidence,—"if my memory serves me right, she was always inclined to want to be spirited at times, and I have a rather indistinct idea that she often came to bed with cold feet."

Perhaps the narrative was not altogether to the taste of the young lady, for she remarked:

"There is one thing I must say about you. You show a decided preference for one line of effort."

"What do you mean by that?"

"According to your statement you were one of a gang of thieves, were you not, a thousand years ago?"

"Yes."

"What are you doing now?"

"Practising law, or trying to."

"That's what I said; same line of effort."

Thorndyke laughed. "That lawyers are thieves is an old, old joke," he said, "always fresh and always funny."

It had now reached the time in the afternoon when the party should begin to prepare for their homeward journey. Mrs. Dooley looked around the corner of the house, and observing young Thorndyke and Miss Pillsbury in earnest conversation, retreated without having been seen to the other side of the house, where she had left her husband.

"I think you had better order the carriage," she said to him. "Perhaps they will stop talking by the time it is ready, and come to their senses long enough to think about going home."

The carriage was ordered accordingly.

"Well, I think you gave me a rather undesirable character," said Miss Pillsbury.

"You? Why?" inquired Thorndyke.

"You represented me as a scold and a domestic tyrant, didn't you?"

"When?" feigning surprise.

"Why just now. Am not I the young lady?"

"Is it possible?" he said, still in mock astonishment. "Can it be that I now behold before me the former partner of my life in the German Forest, a thousand years ago? How changed! How much more spiritual! Allow me to congratulate you," and the young man bowed his head in an attitude of adoration; then he seized the girl's hand, "allow me for the sake of old acquaintance and old times," he said, bringing the hand toward his lips.

"Stop," said she, "there are others near, they may be looking," and she tried to draw it away; but the young man persisted and imprinted a respectful kiss on its back. "I suppose," she continued, "that I ought to be angry with you, and I guess I am a little. Anyway I think it downright mean in you after a thousand years to bring up a little matter like cold feet. I don't believe I should have cast it up against you."

"No, probably you would not," said he frankly. "You women always have more to forgive, and are always more ready to forget."

"I will give you credit for one thing," she said, whatever resentment she might have had being allayed by his answer. "You are certainly an accomplished—"

"Liar?" queried the young man, as she stopped and hesitated for a word.

"Romancer," she said, finding the expression she

wanted. "You certainly have a vivid imagination."

"You mean that I have a good memory," said he with a smile, as if correcting her.

"That may be what you call it, but I think it is imagination," she replied.

Here Mrs. Dooley made a second excursion around the corner of the building, and finding Miss Pillsbury and Thorndyke still in animated conversation, again made her retreat unobserved.

"So you believe in the transmigration of the soul?" she said with an inquiring inflection.

"Yes, and no, probably not in the sense in which that expression is commonly used," he replied. "But still I think there is force in the observation of the Greek philosophers, namely, that certain characteristics with which we are born bespeak previous existence. If I understand Plato correctly, this was the principle argument of Socrates in favor of the immortality of the soul. The ancient Greeks thought that we were born with a certain amount of knowledge; the instinctive use of sword and shield for instance, our sense at birth, or soon after, of honor and justice, both complex ideas with which we seem to be early endowed."

"Do you think we have a soul; and if so, is it immortal?"

"Yes. I answer yes to both questions," said Thorndyke. "Obviously—"

"Obviously you two children would sit here and never think of going home," said Mrs. Dooley, com-

ing around the corner of the house. "Don't you know it is past three o'clock now, and we have to drive to the station?"

This ended the conversation. After they joined Mr. and Mrs. Dooley there was no opportunity for further confidential talk; and Thorndyke was too reticent to care to bring hobbies into public view.

To young Thorndyke it had been a very happy day. A young lady, whom he admired, had listened, apparently with sincere appreciation, while he had discoursed upon a subject which he felt would have interested but few people of her years. Yet she had understood his positions, and had discussed them with sympathy and intelligence. He had allowed her a glimpse of his inner self, and she had not abused the confidence or laughed at what she had seen.

But alack and alas! Philosophical ideas are frequently of little value in the money market. The expense of the trip was about equal to the cost of a week's board. When Saturday night came he was without funds, and his board remained unpaid. Monday morning, the landlord called Thorndyke aside for a private conference.

"Don't you think," he said, "that you can find a room outside? I need all the rooms I have for my transient guests."

"And continue to take my meals here?" inquired Thorndyke.

"Ye-es," said the landlord, with some hesitation. "You can a while longer if you want to."

"How much will it be?"

"I'll call it four dollars a week, if paid promptly; seeing it is you."

Accordingly Thorndyke arranged a couch in his back office and afterwards lodged there.

CHAPTER X.

JESSE DEXTER ET ALS. *v.* F. D. BARTLETT ET. ALS. THE HIGHWAY CASE.

"All thieves who could my fees afford
Relied on my orations;
And many a burglar I've restored
To his friends and his relations."

"ARMA VIRUMQUE CANO!" "Ye call me chief!" "Hurrah!" "Eureka!" "E pluribus unum!" "Erin go bragh!" "All Gaul is divided into three parts!" "On with the dance!" "Let no guilty man escape!" "How long, O Cataline!" "Strike till the last armed foe expires!" "Et tu, Brute!" "Avaunt and quit me sight!" "Sic semper tyrannis!"

THERE was joy in a lawyer's office over a barber shop, up one flight, in a small wooden building in Berlin.

In the office were two young men,—Dooley and Thorndyke. On the table in the middle of the room an envelope and its contents had been thrown, apparently after having been read—devoured, perhaps would be more correct. This paper bore the signa-

ture of Hon. George A. Bingham, a Justice of the Supreme Court of the State of New Hampshire. The document was a decree of court continuing and making perpetual a temporary injunction which had been obtained by Dooley and Thorndyke for some of their clients.

But listen and you shall know all.

In the year 1829 the body of men who in New Hampshire are styled the General Court, but elsewhere the legislature, passed an act, incorporating as a town by the name of Berlin, that tract of land which in 1771 had been granted by John Wentworth, New Hampshire's last Royal Governor, to Sir William Mayne, of Barbadoes, and others, by the name of Maynesboro. Thus was the town of Berlin brought into legal existence. The year following one of the first acts of this infant commonwealth was to lay out a highway on the west side of the Androscoggin River from Milan on the north to Shelburne Addition, afterward Gorham, on the south. This highway commenced at the Milan line and was laid out by courses and distances, was three rods wide, and the center of the highway was a line of blazed trees. It is supposed that when the highway was built the blazed trees were felled. At all events at the time when young Thorndyke opened his office in Berlin, not only the trees, but all memory of them had long since passed.

This highway passed down through what in 1885 where the villages of Berlin Mills and Berlin Falls,

When it was laid out land was very cheap, of no consequence, as the settlers would say; there was little travel, and consequently not much attention was paid to whether the road was built, where laid out, or whether people's fences encroached upon its limits. As a result, by 1885, when the portion which was in Berlin Falls village began to be called Main street, and business blocks were being built upon it, people came to realize that the street was crooked and narrow. Measurements disclosed the fact that for almost the entire distance in Berlin Falls it was less than three rods wide.

Accordingly there began to be a general demand that Main street be widened and straightened. The majority of the people were the more ready to have this done, as it was thought that it would involve no expense to the town. The town was to re-establish the highway as laid out in 1830, ascertain the ancient lines of the highway, and occupy all within the original laying out as thus ascertained.

With this end in view, engineers were sent with their instruments to the Milan line; and it was understood that a re-location from the old record by courses and distances was being made. When the engineers reached Berlin Falls they erected a line of stakes through the front yards of various citizens, thereby cutting off slices varying in width from one or two feet to ten, twelve, or even more. William W. Wilson, "Bill," as he was usually called, A. M. Stahl, Jesse Dexter, and the estate of William Wil-

son were the greatest sufferers. They were all on the westerly side of the street.

Following the engineers came the selectmen, of whom Squire Pillsbury was one, with their gangs of laborers. They ran saws down through the fences on the line located by the engineers and proceeded without further ceremony to utilize for highway purposes the portions between the lines thus established and the road as then occupied.

At this stage of the proceedings the property holders consulted counsel learned in the law, to wit, Dooley and Thorndyke; and as a result a Bill in Equity, as it is called in New Hampshire, or Bill in Chancery, as it is called in some jurisdictions, was drawn up, complaining against F. D. Bartlett, John Geobel, and John J. Pillsbury, and setting forth the title and occupancy of the plaintiffs in the lands above described, the unlawful acts of the defendants, and praying for an injunction restraining the defendants from further prosecution of their alleged unlawful acts, and for such further and other relief as should be just.

Armed with this document, Thorndyke went to Littleton, where Judge Bingham resided, presented it to him with his affidavits and other proofs, and secured a temporary injunction restraining the said F. D. Bartlett *et als* from further prosecuting their said scheme of removing fences and widening highways until the injunction should be modified or dissolved by order of the Supreme Court or some

justice thereof. When Thorndyke reached Berlin with this paper on his return from Littleton, the Squire and his forces were in the act of advancing against some maples which "Bill" Wilson had planted in front of his house for shade.

The Squire had learned that Thorndyke had gone out of town and surmised his purpose. Consequently he was leading the attack with extraordinary energy, hoping to get the trees removed before Thorndyke's return; but in this was unsuccessful.

The injunction was immediately served and thereupon the work stopped; but the Squire and his associates at once applied to the judge for a hearing on the question of its dissolution; and, as they claimed that the delay was a great injury to them, an early date for the hearing was agreed upon. As this hearing would evidently require considerable of an investigation into the merits of the case, it was agreed that the decision of the judge at this hearing should be final as to the rights of the parties.

Thus it came about that a suit was brought, tried, and a decision entering up in the short space of three weeks. Cook in the meantime had been retained as counsel for the town.

There is such a thing as acquiring a title to property by possession; and in the early history of the jurisprudence of New Hampshire the court held that title could be acquired to a portion of a highway in this manner; but in 1862 the legislature

passed a law enacting that from that date possession of a portion of a highway should not give title, no matter how long continued.

In order to acquire title by possession, the occupancy must be adverse, exclusive, uninterrupted, under a claim of right, and, in New Hampshire, continuous for twenty years or more. As the highway was laid out in 1830, there was a period of thirty-two years between the laying out and the enactment of the Statute within which title by possession might have been acquired; but an investigation of the evidence rendered this supposition improbable. At the time of the laying out, the land was forest, and was not occupied for dwelling purposes until long afterward. Dooley and Thorndyke could not find that it had been fenced in, much if any, before 1862, so the attempt to establish a title by possession was early abandoned.

It was then that the issue was narrowed down to the question of whether or not the land which the town was trying to take was or was not included within the limits of the highway as originally laid out.

If it was, the town could retake it; if not, the complainants could hold it. The complainants had one advantage. They were in possession. As between two parties having equally good but adverse titles, the one in possession will prevail. Before the law will divest a man of property already in his

possession, someone must show a better title. Consequently the burden of proof was on the town.

It will thus be seen that the question was largely one for engineers, though the evidence of the old residents as to where the highway had been maintained and used, would also be competent.

The only engineers in town were the three members of the firm of Pike, Perkins & Macy, all men in active practice; but employed by the town. The complainants had to look elsewhere. The man first to be employed was Mr. Augustus M. Carter, of Bethel, Me. Mr. Carter came to Berlin, and soon grasped the situation.

"What must you prove to win?" he inquired.

"As we understand the law, the burden is upon the other side to establish the line where they have located it. If they can't do that, we win," said Dooley.

"Then you want to show that after this lapse of time it is impossible to reproduce the lines of that original laying out, upon the face of the earth, with any degree of certainty or accuracy."

"Yes."

"As a matter of fact it is impossible."

"Why?"

"There are a number of reasons. You start at Milan line, four miles away. All of the monuments are gone. All you have to go by is the courses and distances, run in all probability with an old-fashioned compass. Compass work is not very accurate

anyway. It is hard to read the needle to less than a quarter of a degree unless you use a vernier, and we don't do that much in the woods. It isn't necessary to be so accurate. Then there is local attraction that you have to contend with."

"What's local attraction?"

"Why, anything that deflects the needle, a vein of iron ore, for instance; you meet it all through this country more or less. Then the needle is changing anyway. It is swinging towards the west now. That variation has to be computed, and it is impossible to do it with absolute certainty, and unless the original survey was very carefully made, and the relocation made with as much care at least, the two will vary considerably.

"The other side claim to have re-established the old line," said Dooley.

"They can't do it. If I should go up to Milan and survey down as carefully as I can, there is not one chance in a hundred that I will come out as Pike, Perkins & Macy have, let alone coming out on the lines of the original survey."

So it was decided to have Mr. Carter attempt to make a relocation, but it resulted as he had predicted. In some places his line was in the highway as used, but more often on one side or the other. In Berlin Mills it was found to lead off under people's houses, and even went down under the Berlin Mills sawmill; but came back into the high-

way as then used near the Narrows, so called, but was outside the highway in Berlin Falls.

As surveyed by Carter, the lands in dispute were all in the highway, and the houses on the westerly side of the street as well, leaving the highway as used outside its limits. In fact, at this point it included so little of the highway as used, and so much of land not used for highway purposes that the location as re-established by him was absurd.

In the meantime Dooley and Thorndyke had interviewed as many of the old residents as possible, and they generally agreed that the highway in early times ran farther east than as then used.

Just before the trial began Mr. E. C. Jordan, a civil engineer from Portland, was employed; and, by the day set for the trial, Dooley and Thorndyke felt that their side was well prepared.

The case was tried by Hon. George A. Bingham, associate justice of the Supreme Court.

Judge Bingham is a tall man with an exceedingly bald head, around the lower part of which, at the back and sides, is a fringe of grey-red hair. He has large, prominent, blue eyes, and a firm but kindly mouth, about the corners of which a genial smile lurks beneath a grey-red beard. He came to Berlin to hear the evidence.

When the trial opened, the judge decided that, inasmuch as the burden of proof was on the town, it should have the right to open and close, *i. e.*, the evidence in support of the contention of the town

should be first introduced, then the evidence on behalf of the complainants, and then by the town evidence, which was strictly rebutting.

Consequently the town opened the case, and its evidence was something of a surprise. Between Berlin Falls and Berlin Mills, the highway runs between two high points of ledge, barely far enough apart for a carriage to pass between. The place is called "The Narrows." Some rods below is a projection of ledge, around which the road turns. During the trial this projection was called the "Point." Pike, Perkins & Macy, the engineers for the town, each admitted that the record of the original laying out did not coincide with the location as built or as resurveyed by them; but they testified that, it being an admitted fact, that the highway passed through The Narrows they could locate one station there; while the next station must be in the highway as occupied at the Point. From these two stations they would then proceed down through the village with a reasonable degree of accuracy. Consequently the errors which were made between Milan and the Narrows, if any, did not affect the result.

On cross-examination, they admitted that the compass meridian was not very exact, and was constantly changing, that the needle was affected by local attraction, and that needles in different instruments varied from each other. They also admitted that they could not locate the stations in The Nar-

rows and on the Point within a foot or two, but they said that in spite of all these difficulties, they were reasonably certain of the location of the street line down through the lands of the Wilsons, Dexter, and Stahl. It could not be more than a few inches out of the way at the most. With this evidence the town rested its case.

To win, the contestants must disprove this theory of the engineers on behalf of the town. It was mainly an engineering question; but the complainants first introduced the evidence of old residents, who testified with much unanimity that the road had always run as far east as its present location, and most of them thought even farther; consequently beyond the land occupied by the contestants.

Then the evidence of Carter and Jordan was introduced. Carter testified to the fact that the record of the original laying out did not coincide with the occupation; and they both described the inaccuracies of work with the magnetic needle. They also testified to the difficulties of making an accurate survey, and to the improbability that the original laying out was made with such accuracy as would make it possible for it to be reproduced. They said that the method employed by Pike, Perkins & Macy would not be accurate, because any error in locating the assumed stations in The Narrows and on the Point would be multiplied several times in the distance from the Point to the disputed territory.

Their conclusions were contradictory to those of the other engineers. They said it was not possible thus to locate the line with any degree of accuracy, not within several feet. A slight change in the location of the assured points would throw the line entirely off from the complainants.

This was the condition of the trial at the close of the fourth day. Neither side seemed to have scored a decisive advantage.

That evening, Jordan, the engineer from Portland, had an inspiration. He went with it to Thorndyke's office, where he found that young man and Dooley worrying over the evidence and preparing the argument which they were trying to construct.

"I have been thinking it over," said Jordan, "and I believe I have a scheme whereby we can convince that judge that Pike, Perkins & Macy can't be at all certain about the location of that line."

"That's the stuff we want to feed him if we can," said Dooley.

"As I understand it, if you make out that the line is as likely to be off your client's land as on it, you win."

"Yes."

"Then if we can make some surveys in the morning, and I can have time to plot them on paper, and we can get a chance at the judge, I think we can make him see it."

"How long will it take?"

"I ought to have till noon."

"Whew!" said Dooley, "I'm afraid we can't manage it. The judge expected to finish in two or three days, and here we have been four days already, and Friday night into the bargain."

"Perhaps I could manage to get round by half-past ten or eleven," said Jordan.

"We have got to manage it some way," said Thorndyke.

"What have you got to do?" inquired Dooley of Jordan.

"I want to make some surveys so I can plot the street just as it is occupied. I will put that on thick, heavy paper; then I want to plot the street as it was laid out according to the record on thin paper, so that when it is laid on the other, the lines will show through. In that way both locations can be seen at once. I think it will show conclusively that a difference of a foot or two in the location of the assumed stations in The Narrows and on the Point, will throw the street entirely off of the land of your clients."

"Well, it was lucky we didn't rest when we stopped to-night, isn't it?" said Dooley.

When a party rests he declares the evidence on his side closed, after which only evidence in rebuttal can be introduced.

"We have got to kill time till Jordan gets his work ready," said Thorndyke.

"How are you going to do it?" asked Dooley.

BERLIN, NEW HAMPSHIRE. HOME OF THE AUTHOR

"How many old residents have we who haven't testified?" asked Thorndyke in reply.

"Let me see," said Dooley, consulting his list of witnesses. "The last ones called were Abner K. Cole, John R. Horne and Fred N. Wheeler. Warn't they?"

"Yes."

"Then there are only three left, Albert H. Gerrish, William Sanborn and Greenleaf Coffin."

"They ought to be good for a half an hour each," said Thorndyke. "We'll ask them everything we can think of: name, age, where born, what town offices they have held, *et cetra, ad infinitum.*"

"Well they ought to be good for a half hour each," assented Dooley.

"They've got to be," asserted Thorndyke positively.

After further discussion it was concluded that they would try to hold the case open until the necessary measurements could be made and the engineers could put their work upon paper. But the highway had to be surveyed; and six o'clock was agreed upon as the time when the engineers with the assistance of the attorneys should meet and commence making measurements.

But six o'clock in the morning is an early hour to begin the day's labor for men accustomed to office work. It was somewhat after six before they had got to work. The Court opened at nine, and at that time the surveys had been barely made.

Dooley and Thorndyke were a little late in reaching the hall, where the trial was being held. Upon their entry the judge remarked:

"Counsel should be prompt. I cannot stay here later than to-day noon. If either of you have anything more to offer, make it as short as possible. Come to the point at once."

Dooley and Thorndyke made no reply, but they thought they saw trouble ahead for their scheme to consume time until their engineers had finished their work. However, they proceeded with their evidence.

"Mr. William Sanborn, you may be sworn," said Thorndyke.

If "Bill" Sanborn had been called, the person addressed would have comprehended at once; as it was no one moved forward toward the witness chair.

"Call your next," said the judge.

"We summoned Mr. Sanborn," said Thorndyke, "and I thought I saw him a few minutes ago."

Here a tall man moved forward. It was Sanborn. He had just recollected that many years ago when he was a boy, his mother used to call him William when she had some domestic law to announce, and on mature consideration he could not remember that he had ever formally abandoned the appellation. So he concluded that he must be the man wanted, as indeed he was.

After the witness was sworn Thorndyke proceeded with the examination.

"State your full name."

"William Sanborn."

"Where do you live?"

"Berlin."

"Can't you come to the point at once?" asked the judge. "Ask him how long he has known about the road, and where it used to run."

"How long have you known the road through Berlin Falls Village?" asked Thorndyke.

"Forty years."

"Where did it run as long ago as you can remember?"

"'Bout where it does now. Little further east if anything. They've been crowding it over on to the west to cut off the crook there by Dexter's."

"That answers your questions, doesn't it?" inquired the judge.

Thorndyke hesitated and looked at his watch. It was only a few minutes past nine. Not more than three minutes had been consumed thus far, while he had expected to use at least a half hour.

"You may cross-examine," he said weakly to Cook, unable to think of anything really material about which to inquire.

"No questions," said that gentleman, and the witness was dismissed.

Thus had one-third of their means for consuming

time until Jordan could complete his work been eliminated.

"You try the next one," Thorndyke whispered to Dooley.

So Dooley stood up.

"Greenleaf Coffin," he called, and an old gentleman came forward and was sworn.

"Now come to the point at once," cautioned the judge.

But Dooley was up to kill time, and he was not disposed to be turned from his purpose without an effort on his part. He carefully inquired the witness' name, then his age, where born, when he came to Berlin, and was about to inquire the number of town offices which the witness had held, with the date, and duration of each, when the judge interposed:

"Ask him how long he had known this piece of road," he said.

Thus admonished Dooley asked the question.

"Now ask him where it has run since he first knew it, and what changes in location, if any, during that time. Make two questions of it," again directed the judge.

Thus admonished, Dooley asked questions which brought out the declaration from the witness that he had known the road for forty years last past, and it had always run about where it did at the present time, a little more to the east, if anything,

he said. This evidence adduced, the judge inquired:

"Anything more from this witness?"

There was really nothing more from this witness; so he was turned over to Cook for cross-examination.

Cook asked two or three unimportant questions, and the witness was dismissed.

Five minutes had been thereby consumed. It was only nine-twenty. Jordan could not be ready with his plans before ten-thirty at the nearest, and only one witness remained. In five minutes more at this rate their evidence would be all in. Evidently the judge had heard about all the evidence he wanted in that case.

"You take the next one," whispered Dooley to Thorndyke.

Accordingly Thorndyke arose and called for Mr. Albert H. Gerrish.

An elderly gentleman came forward in response to the name, and the examination began.

Perhaps the judge was temporarily satisfied with his previous successes. At all events, he did not at first interfere to shorten the examination.

Thorndyke asked Mr. Gerrish his age, when born, when he came to Berlin, where he had lived previously to that, in what business he had been engaged while in Berlin, whether or not he had ever been selectman of the town of Berlin, or of Gorham,

what town offices he had held in Berlin, and in Gorham.

"I will now ask you if you were acquainted with Mr. William Wilson, now deceased, father of William M. Wilson, one of the plaintiffs and of the other Wilson heirs?"

"What bearing has that upon the issue before us?" inquired the judge.

"If it please the court," said Thorndyke, "my associate and myself think it important to show that the witness was acquainted with a former owner of the *locus in quo.* His evidence is important or otherwise in proportion as he had an opportunity to know conditions and locations."

"I hardly see wherein the fact that he was or was not acquainted with the owner of some of this land bears upon the question of the location which has been used for this highway," said the judge.

"I object," said Cook.

"Say something," said Thorndyke, bending over and whispering in Dooley's ear.

And then ensued one of those scenes familiar to frequenters of the courts.

Cook objected to the question, and supported his objection in a five minutes' argument replete with legal lingo, in which competency, relevancy, sufficiency, the production of the best evidence, *et cetera,* were terms which were used often.

Dooley replied, and Thorndyke would have added a statement of his interpretation of the law of evi-

dence, when the judge ended the discussion by saying to Thorndyke:

"Ask him how long he has known the location of this piece of highway from the Narrows down through Berlin Falls Village."

This question having been asked and the information elicited that the witness had known the road for twenty-five years, the judge again directed:

"Now ask him as to where its location has been since he first knew it?"

An answer favorable to the plaintiffs having been elicited, the judge again inquired:

"Anything more from this witness?"

As there was really nothing more, the witness was turned over to opposing counsel for cross-examination.

This was not extended, but still twenty minutes had been consumed in the examination and discussion. It was now nine-forty. There was still fifty minutes before Jordan would be ready to produce his plans. Both the young men instinctively turned toward the door as if hoping to see Jordan enter. It was a vain hope.

Thorndyke arose and addressed the court:

"I should like a few minutes for a conference with my associate," he said.

"Can't you proceed?" inquired the judge.

"If the court would be so kind as to give me just five minutes," pleaded the lawyer.

"Very well, be as brief as possible," assented the judge.

Dooley and Thorndyke now withdrew to the corner of the room. After discussing the situation they decided to announce to the court that their evidence was closed with the exception of one witness, whom they should ask to call later. They took full five minutes to come to this conclusion. In forty-five minutes they hoped Jordan would be ready.

"Have you anything more to offer?" inquired Judge Bingham, by way of reminder to the young lawyers who still remained in their corner. They accordingly came forward and the session of the Court was resumed.

"We have one more witness we want to recall—Mr. Jordan," said Dooley. "He has made some measurements since his examination which he is putting on paper. His examination will be very short. If the other side could proceed with its rebuttal, and we be allowed to call Mr. Jordan a little later, we would now rest."

Though the rule of court requires a party to put in all of his evidence before he rests, yet the judge could suspend the rule if he choose.

"What do you say to that?" Judge Bingham inquired of Cook.

"I object," said that young man, getting on to his feet with the manner of a man who was ready for

a controversy. "When the other side rest," he said decisively, "then we will proceed with our rebuttal."

"When will you be ready to proceed with Mr. Jordan?" inquired the judge.

"By half-past ten, perhaps before," said Dooley.

"We cannot lose the time till then," said the judge. "I must go away on the eleven forty-five train."

But why prolong the description. Both sides were firm in their determination that the trial should proceed in the way which each considered the most advantageous to himself. Each accused the other of obstinacy, and an unwillingness to accommodate ;and there is no telling what further delinquencies might have been aired had not the judge again interposed.

"You may go ahead with the rebuttal," he said to Cook, "and I will decide later, when Mr. Jordan's evidence is offered, whether or not I will receive it."

It was now ten o'clock. Dooley and Thorndyke had used up an hour of the hour and a half which they had set themselves the task of consuming; but they had failed to prolong their examination till Jordan could testify. On the other hand they had gained an intimation from the judge that he might receive the evidence when offered out of its regular order.

And now the tables were turned. Cook was introducing evidence in rebuttal of the plaintiffs' case.

He at once began to maneuver to consume the time till eleven forty-five, when the judge would go away. He recalled Mr. Pike, one of the engineers who had previously testified for the town, and began to introduce evidence in contradiction to some of the evidence of Jordan and Carter. Cook was always adroit, and he managed to spin this examination of Pike out to a great length. Half-past ten came. Jordan entered with a roll of paper in his hands; but Cook was still busy in his examination of his witness, and it was ten forty-five before he turned the witness over to Thorndyke and Dooley for cross-examination. This was short. Thorndyke simply secured again from Pike the admission which he had once already made; that the assumed stations at The Narrows and at the Point could not be located with definiteness within a foot or two, and then concluded.

"E. McC. Macy," called Cook, "you may take the stand."

"We can now proceed with Mr. Jordan," observed Thorndyke timidly.

"I desire to proceed with my rebuttal," announced Cook with decision.

But the judge decided to allow Jordan to be called; and he took the stand accordingly. His drawings amounted to a demonstration. By them one could see at a glance that an error of a foot or two in the location of the assumed stations on the Point or at The Narrows would make a difference

of several feet in the location of the disputed line. This evidence introduced, Cook proceeded with his rebuttal; but his motive for prolonging it no longer existed; and he soon brought it to a close, so that the judge had ample time to get the train after hearing all of the evidence. But there were no arguments; the case being submitted without.

Then followed a week of anxious waiting, when one morning a letter came to Thorndyke, addressed in the scrawling hand of Judge Bingham. In doubt and uncertainty, with fear and trembling, it was opened, and the young man read the following:

Coos, ss.

SUPREME COURT, Oct. Term, 1885.

Jesse Dexter v. F. D. Bartlett et als.

This bill in equity having been entered in vacation, duly served upon the parties, the defendants having appeared and answered, and both parties consenting, the trial was had at Berlin on the 12th day of August, 1885, commencing a 9 A.M., and continued from day to day till the same was closed and the case submitted for decision.

The bill is to enjoin the selectmen and highway surveyor of Berlin from moving back the plaintiff's fence, cutting shade trees, plowing up his yard some eight or ten feet in front of his dwelling house and adjoining the main highway or street leading through the village of Berlin Falls. The defendants admit the intention and acts substantially as charged in the bill, but justify as selectmen and highway surveyors of the town in the performance of their duties as such in making and repairing the highway within its limits duly laid out in a reasonable and prudent manner.

The question in the case is whether the land, attempted to be taken is within the three-rod limit of the original survey and laying out of the highway in question as the same appears in the records of the town; in other words, where was the

highway located and did its location include the strip of land in question? The records of laying out show the highway to have been laid from Milan line on the west bank of the Androscoggin River to what is now the line of the town of Gorham, a distance of five miles and two hundred and fifty-six rods, three rods wide. with a spotted line in the middle of the highway. It was laid out June 30th, 1830, and now none of the spotted line or other monuments referred to in the record at or near the point in question can be found. The courses and distances named in the records are the only aid it furnishes in establishing the exact location of the highway. In monuments actually set up there can be no mistake, while in courses and distances there will always be more or less error. Miller v. Silsby, 8 N. H. 414–477.

Resort must then be had to evidence outside of the record, on which to determine the exact location of the highway. In doing this it is to be remembered that the strip of land is only some eight or ten feet wide, and that it has never been enclosed or actually occupied as a part of the highway; on the contrary, it has been occupied to the exclusion of the public for many years, though not for a sufficient time prior to 1862 to acquire a prescriptive right in the plaintiff. To this occupation by the plaintiff no objection appears to have been made by the public, and it is evidence of considerable weight on the question of the location of the boundary of the highway. There was other evidence on each side tending to prove the different theories and claims of the parties, but when it is all considered its effect is to leave the location so much in doubt that I am unable to find that the strip of land in question was all or any part of it actually covered by the original laying out.

Decree for the plaintiff and that the temporary injunction be made perpetual.

This, however, does not prevent the town from widening and straightening its highways according to the statutory provisions.

GEO. A. BINGHAM,

Presiding Justice.

Judge Bingham's hand-writing, like that of most men who write much and rapidly, was not very legible to a stranger to it. Thorndyke was some minutes in reading the decree, but finally reached the concluding part ordering that the injunction for the plaintiffs be made perpetual. When he had finally spelled this out he uttered a war-whoop that nearly unnerved the barber in the shop beneath, and throwing the document on the table rushed downstairs and to Dooley's office to carry the news. Soon they both came back, and Dooley had the supreme pleasure of reading the precious document. Whereupon the two young men executed what they were pleased to call a war-dance, which called forth a vigorous protest from the before-mentioned barber; while Thorndyke sang the stanza with which this chapter opens.

"There is some fun in practicing law when you are before a court that knows the law, isn't there?" said Thorndyke, having in mind his first trial before Squire Pillsbury.

"Yes," assented Dooley.

The door opened and who should enter but Squire Pillsbury himself.

"I hear you have got word from Judge Bingham," he said.

"Yes."

"Well, I suppose we can go ahead now and straighten out the road. It was all foolishness your

trying to stop us. I knew all the time how it would come out."

"Judge Bingham doesn't say so," said Thorndyke.

"What does he say then?"

"He says the injunction is to be perpetual."

"No, he don't, nuther."

"Let me read the last part of his finding," and Thorndyke read it accordingly.

"No, he don't say any such thing. He can't. There can't no man in his right mind hear that case and come to any such idea. It's one of the plainest cases that ever came into any Court. You take the evidence of old Addison J. Pike, and of Perkins & Macy—all good, level-headed men, and what does the evidence of your slick-spoken man from Portland amount to?"

And Squire Pillsbury proceeded to argue the case for the town at considerable length. When he stopped from exhaustion or want of breath Thorndyke observed:

"The trouble with your argument, Squire, is that it comes too late. The case is decided."

"It ain't decided by a long shot," replied the Squire with much heat. "We'll fight that case till hell freezes over. We'll take it to the Supreme Court of the United States." Two equally dreadful but equally impotent threats.

Each knew that the case had been finally decided, though the Squire was loath to admit it. It was

many days, however, before the Squire was reconciled, if in fact he ever was. All one had to do for months, to call forth denunciation from the Squire, was to mention the highway case, and the Squire would argue the question as long as he had listeners.

Thus it is in law suits, what is one man's pleasure is the other's pain.

The effect of this trial was marked and salutary upon Thorndyke's finances. His fees amounted to fully sixty dollars, and were soon paid. With twenty-five dollars he satisfied his debt to his landlord, and he then had thirty-five dollars left.

With this amount of money he felt rich, and

**"Looked the whole world in the face
For he owed not any-man."**

CHAPTER XI.

THE SEPTEMBER TERM OF THE SUPREME COURT AT COLEBROOK.

THE practice of the profession of the law consists largely of a series of contests. The young practitioner instinctively tries to take the measure of the older men at the bar, for it is against them that he must be prepared to match his strength. We believe it is common for each county to think that its lawyers are especially able. The Boston lawyers are said to occasionally congratulate themselves that the bar of Suffolk County has many peculiarly bright lights. Doubtless the same is true of New York, Chicago, and St. Louis. It will be found to be no less true of many a smaller place or scattered community. It was true of Coos and Grafton counties in 1885. The lawyers of either county or of both combined, would have readily admitted, without requiring proof even, that they were an able and brilliant set of fellows. It was, not, however, until the first of September of that year that Thorndyke had an opportunity to form an estimate for himself, or even to make the acquaintance of many of them.

For Court purposes Coos County was then divided into two judicial districts. There was one set of officers for the whole county, but otherwise, the two districts were as separate as different counties. Separate terms of court, each with a jury drawn from the body of the districts, not from the whole county, were regularly held. The fourteen northernmost towns comprised the Northern Judicial District, with Colebrook as its shire town, while the remainder of the county, consisting of twenty-five towns, of which Berlin is one, constituted the Southern District, with Lancaster as its shire town. In each district there are several towns with insufficient inhabitants to maintain a town organization, and some with no permanent inhabitants whatever.

The fall term of the Supreme Court for the Northern District commences on the first Tuesday of September; but as Thorndyke had no cases there, it had not occurred to him that there was any reason why he should attend. Consequently when Dooley asked him if he was going, he, at first, was positive that he was not.

"I am sure I don't see why I should go," said he, "I don't know anybody up there; I haven't a single case up there and never expect to have."

"That is just the reason why you should go."

"How so?"

"Why? Because you don't know anyone there and have no case there. You would like the cases, of course; wouldn't you? And to get them you

must know the folks. Besides, it will give you a chance to get acquainted with the other lawyers, and to see how the court is conducted; and that will be an advantage to you when you come to try your Griffin case."

The allusion to the Griffin case had strong persuasive powers; but still he hesitated.

"How much will it cost?"

"They take fifty-three miles out of a mileage book; forty on the Grand Trunk to North Stratford, and thirteen on the Upper Coos from there to Colebrook. The hotel is two dollars a day."

"I don't believe it is worth while for me, short of money as I am."

And so the subject was dropped; but later when Thorndyke found that Cook also was going, he reconsidered his decision, and 6 P. M. of the Monday before court found him as well as Cook and Dooley aboard the train at Berlin *en route* for Colebrook.

When he changed to the Upper Coos at North Stratford the first thing to attract Thorndyke's attention was the shiny bald head, prominent blue eyes, and genial smile of Judge Bingham, whom he had not seen since the trial of Dexter v. Barlett et als. Passing down to the judge's seat he received a cordial greeting and clasp of the hand.

Taking a seat by himself, Thorndyke's attention was soon attracted to several distinguished-looking men in various parts of the car. He surmised that they were lawyers from Lancaster or further down

the line *en route* to Colebrook. One who sat across the aisle near him, in particular engaged his attention. The man had a strong face, large blue eyes, a prominent nose, while the lower part of his face was covered with a grey beard, beneath which could be seen a firm mouth. His hair was rather long and slightly curly at the ends, reaching well down on his neck. He was evidently somewhat past the prime of life, but still hale and hearty. He wore a suit of rusty clothes, and a slouch hat. He was a stranger to Thorndyke, and there was no one with him of whom he could inquire the man's name.

It was half-past eight when they reached their destination. Daylight had departed, but the clear sky was bright with many stars, and a full moon had just risen, by the light of which, as they drove up the village streets lined with rows of white houses from which lamps shone forth, Thorndyke could make out the indistinctly brilliant outlines of the surrounding hills. Of the many beautiful villages of the White Mountain region, Colebrook is one of the most picturesque. It is in the valley of the Connecticut, where a fertile interval of from one to three miles in width, the *Co-ash-auk* of the Abenakis, makes between two ridges of high hills. A mile distant across the river in Vermont Mt. Monadenack towers two thousand feet above the village.

At the hotel all was hustle and mild excitement. As the coach which carries passengers between the station and the hotel pulled up to the door, Tom

Rowan, the proprietor, came out and, standing with bared head, helped his guests to alight, while the porter officiously devoted himself to securing the luggage. When Thorndyke had entered the well lighted office of the hotel he found it crowded with men, most of whom had been called thither by business at the court—jurors, witnesses, parties, and some loafers, while a brisk wood fire on an open hearth furnished warmth and made a pleasant contrast to the crisp cool without.

There are three lawyers, Jason H. Dudley,—whom Thorndyke had met at the Upper Metallak,—James I. Parson, and Thomas F. Johnson, located at Colebrook; but lawyers from Lancaster and Littleton also attend the session. Most of those from out of town, being regular comers, were assigned to rooms which had been reserved for them. Thorndyke had to wait some time, and was at length assigned to a small room up two flights in the attic.

After rooms had been assigned not many of the lawyers were to be seen, being mostly busy with their cases, meeting their clients and interrogating witnesses, preparatory to the business of the term. Thorndyke was wondering what he should do with himself until bedtime, when he heard voices through a half open door at the side of the office. As they appeared to come from a room open to the public Thorndyke entered.

It was a small room, in the center of which was a small table with a pack of cards upon it. Two men

were seated at the table and two or three others were in the room, among them the gray-haired man who had attracted Thorndyke's attention on the train.

"Sit down and take a hand. You may learn something," the man was saying to a bystander. Thorndyke noticed that the man was fully six feet tall and well built, a good specimen of New England manhood.

"What do you want to play?" inquired the man addressed.

"Make it whatever you want; call it a wet game if you want to."

"I never play for stakes," replied the other.

"It makes no difference to me; does it to you?" addressing those seated at the table.

"No," and so both took seats at the table.

"Call it whist?"

"Yes."

"Who is the old man with the gray whiskers?" asked Thorndyke of a bystander.

"What don't you know, that's Jake."

"Jake?"

"Yes, Jake Benton."

"Of Lancaster?"

"Yes."

"So that's the Hon. Jacob Benton, is it?"

"Jake," as he is familiarly called, had by this time taken his seat; and picking up the cards, stretched out a long arm, and held them in the middle of the table.

"Cut for deal," he said.

The player to Mr. Benton's left got the deal, consequently Benton cut for the trump, and looked at the bottom card when he had done so. "Queen of Hearts," he commented. As the cards were being dealt off Mr. Benton picked up those dealt to him one at a time.

"Hello, I've got a trump," he said picking up the first card. "And another," picking up the second. "They ain't coming quite so good now," he remarked after picking up the third. Then he said nothing till the balance of the cards were dealt when he assured his opponents that if his partner "played right, we've got the game." But evidently his partner did not "play right," for as he lost the fourth trick he inquired of his partner, "what in —— he played that for."

Thorndyke's knowledge of the game was not profound, but he could see no error in the man's play. He soon tired of watching others, and he went out to find other forms of amusement.

Returning to the office, he found Dooley in conversation with a rather stout young man of medium height, whose blue eyes and clean-cut face disclosed that he too was of old New England stock. Dooley introduced him.

"Let me make you acquainted with Walter Drew, deputy sheriff at Colebrook," he said.

Thorndyke took the proffered hand and expressed himself as happy to make the acquaintance. Drew

expressed himself as entertaining the same sentiments.

"Brother of Major Irving Drew of Lancaster?" he inquired.

"Cousin; my father was Ed Drew. Irve's was Uncle Webb."

Thereupon Thorndyke drew up a chair preparatory to joining in the conversation.

"I've just seen Mr. Benton of Lancaster," he observed.

"Where is he?" inquired Drew.

"He's in the side room there."

"Too bad he should lose as much time as this. He ought to have a game going somewhere."

"He is playing cards now, if that is what you mean."

"Oh, well, it would be too bad to lose any time when there is such a good chance for a game." Then Drew proceeded in a reminiscent mood: "He is the queerest man you ever saw. He'll play cards any time, day or night, with anybody; it doesn't make any difference who. Any other man would think he had enough to do without, but he doesn't."

"What kind of a lawyer is he?"

"Would be a good one if he attended to it, but he doesn't. He's one of the best talkers at the bar when he gets woke up; but he has given his attention more to money-lending than to trying cases. He got all sued up here two or three years ago.

"How did that happen?" inquired Thorndyke, anxious to know more of Mr. Benton.

"Well it was this way," said Drew, sitting back in his chair. "After the old White Mountain Bank at Lancaster failed up there was no bank in Coos County for a number of years; and Benton did a kind of banking business. He had some money of his own and he borrowed more, and let it out again at a higher rate of interest. Money was hard to find and he used to get as high as ten and twelve per cent. This naturally took his attention off from his law business. From 1865 to 1869 he represented the old third New Hampshire District in Congress. That district was abolished by the new apportionment.

"Well, here a few years ago they started a bank at Lancaster; and as a result, Jake lost most of his best customers; but he kept on in competition with the bank until a couple of years ago, when there was a rumor that he had got to fail, and everybody sued him."

"Did he fail?"

"Ask the bank folks. They say he did. He says he didn't. After suits were commenced against him, he brought suits against a lot of others who owed him.

"Most of them were rather hard to collect, and take it all in all I guess it is within bounds to say that about half the docket is made up of cases for and against him."

"I shouldn't think he would have any time to play cards."

"There wouldn't anybody else."

"Did you ever hear about Jake's speech when he was in Congress?" asked Drew of Dooley after a pause.

"No, I guess not."

"Tom Cheney of Ashland is authority for the story," said Drew, "Tom says that while Jake was in Congress he went out to Washington to see the sights.

"It was 'way back in the reconstruction period. Tom had great respect for Congress and great veneration for a Congressman. Knowing Benton, and being one of his constitutents, one of the first things Tom did after reaching the city was to call round to the capitol and inquire for Jake; but Jake was not to be found on the floor of the house. Finally, after employing the service of a guide, Benton was found with Zack Chandler, Luke P. Poland, who was then a Representative from Vermont, and a fellow from South Carolina, a Representative by the name of Zimeri, I believe, in a committee room playing cards. Chandler, Poland, and Benton were all Northern men, and were physically rather large men, and of course were all Republicans. Zimeri, on the other hand, had been a Secessionist, was a Democrat, of course; and his stature was rather small. He was Jake's partner.

"Jake shook hands with Cheney, but did not

stop the game. He invited Tom to take a chair and they visited while Jake played. It was in the old days before they had got into the way of asking leave to print. Then, in order for a speech to be published in the Record it had to be delivered on the floor of the house. Jake said that he had got the floor for that evening and was going to make a speech; and he invited Tom to come in, and gave him a ticket to the gallery; so after supper Tom went round to hear the speech. When he got into the gallery, Tom found that he was the only person there; every other seat was vacant. On the floor of the house were the reporters and just four other persons. They were the Speaker, who was in his desk reading his newspaper; the clerk in his desk doing the same; Jake over by his desk, and in the desk in front of him little Zimeri.

"Finally, when it was about half-past seven the speaker looked at his watch and rising behind his desk, banged it with his gavel.

"'The house will be in order,' he announced in the voice of a fog-horn.

"For a moment it was as quiet after the house had come to order as it had been before; then the tall form of Mr. Benton arose.

"'Mr. Speaker.'

"'The gentleman from New Hampshire, Mr. Benton.'

"'I desire to speak to the special order for the day. House Bill, Number so and so.'

"'The gentleman from New Hampshire has the floor,' said the Speaker.

"And so all preliminaries having been duly performed Jake sailed in to make his speech; while the speaker and the clerk both went back to their newspapers.

"Jake was then less than fifty years old, straight as an Indian with a strong, powerful body. His hair and beard were quite dark, and he looked to be what he really was, a strong man, both physically and mentally. He had evidently prepared the speech with considerable care, and had committed it to memory.

"He put all of his energy into the delivery of his speech, and when he had got warmed up his voice rang like a trumpet through the gallery. Tom could hear every word. Tom says it was really a very good speech. It was on reconstruction, and was devoted largely to denunciation of President Johnson. Jake recounted what had been required by the exigencies of the times, what Johnson might, and should have done, but had failed to do. He used illustrations from the Scriptures, mainly from the Old Testament. He compared the late President Lincoln to that Moses, who, though himself not permitted to enter, had brought the Israelites from the bondage of Egypt to the peace and plenty of the Promised Land; while Johnson, if he had not been recreant to his duty, might have been that Joshua under

whose leadership and guidance, they should have entered upon their triumph over their foes.

"During this time little Zimeri fumbled some slips of papers on the desk before him. He arose and asked permission to interrogate the gentleman from New Hampshire. The gentleman from New Hampshire consented to the interruption. Thereupon the gentleman from South Carolina selected a slip of paper and was about to commence to read, but was stopped by a gesture from the gentleman from New Hampshire. Then the gentleman from New Hampshire took the slips of paper, arranged them in their proper order, and returned them to the gentleman from South Carolinia; whereupon the gentleman from South Carolina, reading from the paper, asked a question. It was an inquiry if the gentleman from New Hampshire had meant a certain thing by his recent utterance. The gentleman from New Hampshire replied that he had. Then reading from a second slip the gentleman from South Carolina inquired if a certain result did not follow. An explanation from the gentleman from New Hampshire followed this question, ending with a denunciation of the positions implied in the question, of the gentleman from South Carolina. But there was still another slip of paper and it proved one more question.

"Apparently this question was more than the gentleman from New Hampshire could bear with equanamity, for when this question had been read

he turned ferociously on the gentleman from South Carolina. He overwhelmed the gentleman with an avalanche of argument, sarcasm, scorn, and derision. It was like the advance of a victorious army. Figuratively speaking, he routed the gentleman from South Carolina in every quarter of the field of discussion. He assailed with great energy and force, at one and the same time the enemy's front, rear, and flanks. Retreat was cut off. He smote the enemy hip and thigh. Jake reveled in a carnival of slaughter. When the gentleman from South Carolinia had been completely routed, Jake shouted a call for his surrender in the words, 'Is the gentleman from South Carolinia answered now?' Evidently that gentleman was answered. Anyway his slips of paper were exhausted, and he sat down. So amused was Tom that he snickered aloud. When he happened to see the printed speech later he found that his snicker had gone into the record as 'Laughter and great applause on the Republican side.' All opposition being thus extinguished, Jake proceeded with his speech in a manner to have made President Johnson slink away out of sight, or to have caused the entire Confederacy to have hung its head in shame if only they could have heard it.

"The close was impressive. When he had disposed of the President and of the opposition he turned to his Republican colleagues on the floor of the house. He recalled to their minds that noble army, whose sufferings on the field of battle, in

hospital, and in Southern prison pens no tongue could tell. These sacrifices had been made in the cause of freedom, and he pleaded with his Republican colleagues, almost in tears, that they would so act on the pending measure that those heroic sacrifices should not have been made in vain.

"Tom, however, says that he understands that one evening a few days later the gentleman from South Carolinia made a speech upon the floor of the house, when he was interrupted by the gentleman from New Hampshire, at which time the gentleman from New Hampshire was pretty roughly handled and thoroughly and completely squelched."

"That was queer, wasn't it?" commented Dooley.

"Yes, it was," answered Walter. "Jake's speech was printed and circulated as a campaign document here in New Hampshire. I believe it is claimed that fifty thousand copies were sent out. Whether Zimeri circulated his speech in South Carolinia I do not know; but that could have been its only purpose as I understand the matter."

"Each was willing to be defeated in the enemy's country, if only he might triumph in his own, wasn't he?" suggested Dooley.

"How long was Benton in Congress?" inquired Thorndyke after a short pause in the conversation.

"Only two terms," replied Dooley. "In those days New Hampshire gave her Representatives only two terms. Of course, I don't know anything about it myself; but they all say that a man is only just

getting where he can do something at the end of that time. If he could have stayed longer he very probably might have made a larger mark for himself, for he was ambitious then and as everybody knows is a man of ability."

It was after ten o'clock when Thorndyke went to his room. As he did so he passed the door of the room where he had last seen Benton. "I've got a trump this time," he heard in Benton's voice, and glancing in saw that gentleman sitting at the table where he had last seen him, stretching out his long arms and picking up the cards one by one as they were being dealt.

When Thorndyke came down in the morning he saw nothing of Mr. Benton, though the fact did not then attract his attention.

After breakfast he wandered about the village for a while, enoying the scenery until about nine o'clock, when he found himself in front of a white wooden building, having much the outward appearance of a church, about whose entrance a crowd of men had already collected, and which he rightly surmised to be the Court house. Entering the building he found himself in a small hall leading to a court room, which was arranged with bench, bar, and jurors' seats. On each side were anterooms furnished with table and chairs, and evidently used either as a waiting or office room. In one of these he found a group in general conversation. They were Cook, Dooley, Walter Drew and two others whom he did

not known. Being introduced, he learned that they were John T. Amey of Lancaster, sheriff of the County and Havilla B. Hinman of North Stratford, like Walter Drew, a deputy sheriff. Being invited Thorndyke took a chair and joined the others.

"I understand they are going to try to drive Benton into a trial of some of the cases against him this time," observed Amey.

"If they do and Jake don't want a trial, there'll be some hair-pulling first," replied Hinman.

"How many cases has he on the docket?" inquired Thorndyke.

"You mean where he is plaintiff or defendant?"

"Both."

"About thirty, all told, in this district; about fifteen for and as many against him," answered Amey.

"Jake will be anxious to try the cases when he is plaintiff; but he will have all manner of excuses, and good excuses too, why the suits against him should be continued," said Hinman.

"How does it happen that he has so many suits?" asked Thorndyke.

"When it was claimed that he had failed," said Hinman, "everybody that had a claim against him, or thought they had, sued and attached so as to get security, if possible. Some of those who owed him thought they might not have to pay, and so they hung off."

At this time a man probably ten years Thorndyke's senior came in and, advancing to the group,

shook hands with the others. and was then introduced to Thorndyke as A. S. Batchellor, a lawyer from Littleton, a village on the Connecticut some seventy miles further south. He was a law partner of the Hon. Harry Bingham and W. H. Mitchell, Esq.

Batchellor is a man perhaps slightly under medium height; has dark hair, black eyes, and moves in rather a quick, nervous manner.

"How's Uncle Harry these days?" inquired Walter of the new comer.

"Feeling fine as a fiddle, apparently," said the other.

"Who's Uncle Harry?" inquired Thorndyke.

"Harry Bingham," answered Walter.

"A relative of Judge Geo. A. Bingham?"

"Only his brother, that's all.

"Is Uncle Harry going to be here this time?" inquired Walter.

"Sure, he is here now, Harry always had pretty strict notions about attending court; and particularly so when he thought he had a case that he could win."

"Last winter," continued Batchellor, "we tried Mitchell v. The Boston & Maine Railroad at Woodsville. Mitchell was a drover, and while attending to his business in the railroad yard at Woodsville, as we claimed, was run down by a shunting engine and had his leg cut off just above the ankle. It was amputated at that point, but did not make a good recovery, so it had to be amputated again just below

the knee, and again above the knee. The company claimed that he had no business in the yard when he got hurt, that he was a trespasser, in fact. It was a close case. The law wasn't well settled, and it looked like a long, hard trial. Harry hated to tackle it. Before term time he went down and saw Uncle John Sanborn, one of the directors, and offered to settle for twenty-five hundred dollars. Uncle John had always been friendly with Harry and would have settled if he could have had his way; but the others were against him, and so finally, at the fall term the case came on for trial.

"It was a long, hard fight, as Harry had expected. It lasted two weeks. We had a couple of doctors who testified as to the injury. They were both strong, conservative men, with great powers of solemn statement. They didn't exaggerate; but when they were on the stand testifying about the operations on the leg, you could almost hear the saw grind and rip as it went down through the bones. Harry put a lot of ginger into it and argued it for all it was worth.

"After the case was given to the jury, they were out a long time without returning a verdict. It got to be time for court to adjourn for the day; and the judge told the sheriff that, when the jury agreed they might seal up their verdict, and give it to the clerk, and be excused until morning. Then Harry began to be apprehensive. He was afraid there would be a disagreement or something worse. At

the hotel he had a room with a stove in it; and, as the time dragged on and the jury didn't report, along in the evening, I went up to see him. Harry was sitting curled up over the stove, looking as if he was trying to keep warm.

"'Any news from that blamed jury, Batch?'" he asked.

"'No,'" I said.

"'It's taking them a long time to agree for so clear a case, isn't it?'"

"I agreed that it was, and then went out. We waited and still no verdict, finally I went round to Harry's room again. He still sat curled up over the stove. He had put on a black cap; and had pulled an old shawl round his ears. He was smoking a black clay pipe.

"'Cold here, isn't it?' he asked.

"'Yes,' I answered.

"'Heard anything from that jury yet?'

"'No.'

"'Well, I'm going home in the morning,' he said, 'I've no business tagging round court this cold weather. When a man gets to be my age the place for him is home in the winter-time. Can't we get the rest of our cases continued till next term, don't you s'pose?'

"'Well,' I said, 'I'll see what I can do,' and I went out.

"How old is Harry?" inquired Thorndyke.

"Seventy last spring," answered Batchellor.

"I hadn't been gone long," continued Batchellor, "when the jury came in with a verdict for Mitchell for $10,560.10, the largest verdict ever returned in a personal injury case in Grafton County. When I went in again Harry was over by the window, standing up as straight as a mackerel, his shoulders thrown back; and in place of a pipe he had just lit a cigar that he held in his mouth at an angle of about forty-five degrees.

"'Well,' I said, 'the jury has brought in a verdict.'

"'Yes,' he said, 'that was a good jury; a lot of clean, level-headed men.'

"'I understand,' I said, 'that what kept them out so long was the question of damages. They were all for you from the start, and some of them wanted to give you the road, but the others wouldn't agree to it.'

"He didn't say anything to that, but pretty soon he said:

"'Well, Batch, what's the next case to try?'

"'Why,' I said, 'I thought you were going home in the morning?'

"He turned on me like a bull on a red flag. 'Going home!' he exclaimed. 'Batch, haven't I told you more than a thousand times that a lawyer's place in court time was in court?'"

By this time the court room was filling up, lawyers one after another were taking seats inside the bar.

"Is that Uncle Harry at this end of the table?" inquired Thorndyke.

"Yes."

The man referred to was a well-built, well preserved man, with a bald head and a snow white beard. To a casual observer he might have been mistaken for the model of Michel Angelo's St. Joseph in the painting of the Holy Family, but a closer scrutiny would have revealed a firm mouth and a strong jaw beneath the snow-white beard; and, moreover, there was a certain bold directness in the glance of his sharp, dark-brown eye, and sundry traces of tobacco in the beard which we should not expect in the saint. Judge George A. Bingham had come in, and as it was not yet time for court to open, had taken a seat in the bar, where he was conversing familiarly with the lawyers. There was a striking family resemblance between Judge George A. and his brother Harry.

"Who's the old man with the smooth-shaved face, wearing that boyish suit of clothes?" inquired Thorndyke.

"Father Heyward, the oldest practicing lawyer in the State. He's eighty-two years old and in active practice yet. And that other oldish looking man near him is his son Henry. One looks to be about as old as the other, doesn't he? Real estate law and tax titles are their specialty. A few years ago they won a suit involving the title to the township

of Wentworth's location, against practically all of the rest of the bar."

While they had been talking, a thickset man with a rather large head and short neck had come in with a quick, nervous, energetic step, and had taken a seat within the bar. He, too, wore a beard which covered the lower part of his face, but there was an alertness in his manner and in his glance that attracted attention.

"Who's that man that just came in?" inquired Thorndyke.

"That's Ossian Ray," said Batchellor. "He has been to Congress two terms, but has come back to practice law again. He is counsel for the Grand Trunk Railway, and one of the best fighters at the bar. One of the peculiarities of Ray is that he never gets embarrassed, no matter what happens. Did you ever hear how he squelched Shurtleff, when Shurtleff picked him up on a misquotation."

"No," answered the others.

"Ray is quite a hand to quote from 'The Good Book,' as he calls the Bible; but apparently he must have been perusing Shakespeare sometimes when he thought he was studying 'The Good Book.' One day he was arguing a case to the jury. "'There is a tide in the affairs of men which, taken at its flood, leads on to fortune," as "The Good Book" says,' he declared.

"'Excuse me, Mr. Ray; but where in the Bible do you find that quotation?' asked shurtleff.

"Ray saw that he had made a misquotation, but he turned on Shurtleff and with a gesture of disgust he exclaimed, 'Young man search the Scriptures.'

"Shurtleff was so taken back by this unexpected quotation from 'The Good Book' that he made no reply, and Ray proceeded with his argument in triumph."

Another middle-aged man coming in and taking a seat in the bar at about this time attracted Thorndyke's attention. He was large and stout. He was clean-shaven except a mustache. His wide forehead and strong face indicated a man of mark. On inquiry, Thorndyke learned that he was Hon. W. S. Ladd, a former judge of the Supreme Court, whose legal opinions delivered while on the bench had attracted much attention for the clear statement, wide grasp, and profound knowledge of legal principles which they displayed.

"He is one of the ablest lawyers in New England," said Batchellor.

While they were speaking another arrival attracted Thorndyke's attention.

Who's that man with the dark hair, his head just beginning to become bald, and with the Grecian nose and face?" asked Thorndyke.

"Sitting near the middle of the table?" inquired Walter.

"Yes."

"That," said Walter, in a tone of reverence, "is Irve."

"Oh, Major Irving W. Drew?"

"Yes."

The person about whom inquiry had been made was a man seemingly forty years of age, whose most striking characteristic was apparent strength, both of body and mind. Though of medium height, and not fleshy, his large muscular limbs and broad, strong chest gave him weight of 185 or 190 pounds; and there was an alertness in his movements betokening the ever-ready gladiator, while strength of purpose was stamped upon every feature of his face. But, withal, there was about him an air of hearty good-fellowship which attracted at once. You instinctively felt that he was a good man to tie to. These were the qualities perhaps, which, added to an active intellect, had already made him famous as an advocate and as an orator.

"I hear he is a great talker," observed Thorndyke.

"He is," said Walter. "In the Crane and Crippen case he argued to the jury for eleven hours and twenty-eight minutes and kept their sympathy and attention."

"And didn't lose the verdict?"

"No. Why, haven't you ever heard about that case?"

"Think I have heard it spoken of, but I never knew the particulars," answered Thorndyke, desir-

ing to learn more. Walter lit a fresh cigar and settled back in his chair as if about to commence a somewhat lengthy narrative.

"It was back a half dozen years ago. Edgar Aldrich, now United States Judge of the District Court for New Hampshire, was in practice here in Colebrook then; and the major had gone into partnership with Ray at Lancaster awhile before. A couple of brothers came here to Colebrook of the name of Crippen. One was a doctor; the other, Martin Van Buren Crippen, was a minister. Old M. V. B., the boys used to call him. The doctor came here first and the minister afterward.

"What is it they call a fellow that is always changing his job—a peripatetic, is it? Well old M. V. B. was a peripatetic minister. He would preach a while; and then he would go into some other kind of business, sell coal in the fall and winter, and ice in the summer, perhaps; and then maybe he would get a chance to sell out his business at a profit and do that; and then strike a job of preaching and work at that a while."

"Was he much of a preacher?"

"Well, you'll have to ask someone else for first-hand information. I am not much of a judge. I don't hear a minister often enough to be much of a critic, but those who ought to know, used to say he was just about so so, as a preacher. In six months or so he would kind of peter out, perhaps; but they all say that he never run short for a prayer.

No matter what he had been up to, closing out an unprofitable business at a profit, swapping horses, or selling lightening rods, old M. V. B. could stop and offer one of the sweetest prayers you would ever want to listen to. He was an old bachelor and the doctor was a widower. They were both well off. The old doctor was said to be worth twenty or thirty thousand dollars.

"One of the doctor's patients was Mrs. Crane. The Cranes were poor people living out in the east part of the town. They rented a little house and barn with land enough to keep a cow; and Mr. Crane, Harlan, worked by the day to support the family. They had one child, a boy. After a while people began to notice that the old doctor used to call on Mrs. Crane pretty often, sometimes when she didn't even pretend to be sick, and finally it came to be neighborhood talk. About this time the old doc moved down to Lancaster, and then Mrs. Crane would go down and stay a week at a time. She and the old doc claimed that she was being treated for some woman's trouble, for which it was claimed the old doc was a specialist.

"I don't know as Crane ever complained much about it till then; but when she got to going off for a week at a time, and leaving the boy for him to look after, with nobody to keep house, he put up a kick and finally went to see Aldrich about it; and Aldrich sent down and had the Major come up; and they went over the thing together.

"Now, I don't say that the fact that the old doctor had quite a pot of money had anything to do with their interest in the case. I don't suppose it had. Of course not. The major and Edgar are both too big men to be influenced by anything like that. They both move in a high moral plane and wouldn't be affected by anything like money, of course. But just the same, when you have got on one side two ambitious young lawyers and a client with a broken home, who he is willing to have a jury put a price on the fragments, and on the other side, an old doctor with a wad that he don't care to give up; you've got the making of quite a lawsuit if it has time to work out. Anyhow Edgar felt bad for Harlan Crane when Harlan first told him about it; and he felt worse when the major came up and sympathized with Harlan, don't you know; and the longer they talked the worse they all felt; so they finally concluded that there was a wrong that ought to be righted.

"They finally brought a suit for Harlan and attached all of the old doc's property that they could find.

"When the case came on for trial here in Colebrook, about all of the lawyers in this part of the country were lined up on one side or the other. Ray was in Congress, but on Crippen's side there were besides Aldrich and the major, Judge Bingham, old George A., as we used to call him, one of the foxiest fellows to put in evidence that ever tried a case

'round here, and Shurtleff and Dudley and Parsons. On the other side were Judge Ladd and his partner Everett Fletcher, Uncle Harry Bingham, and Tom Johnson. Old George A. and Aldrich put in the evidence and the major argued the case for Crane. Judge Ladd put in the evidence; and Harry argued the case for Crippen. They were the battery so to speak, and the rest of the lawyers were scouts and outfielders, hunting up evidence, looking after witnesses, and so forth. I was deputy sheriff and summoned most of the witnesses for Harlan; Sheriff Bailey summoned for the other side.

"There wasn't much direct proof; but they raked up an ocean of circumstantial evidence. It developed into a good deal longer trial than anybody had expected. Edgar and the major knew when they brought the suit that Harlan hadn't much money with which to pay witnesses; but he promised to give them his note and they knew they could get that discounted with their endorsements. They had expected that it would take about three hundred dollars; and they raised that amount on the first note; but that was only a starter. By the time the evidence was closed there were notes outstanding to the amount of a thousand dollars that weren't worth a cent except for their endorsements, unless they could win. I don't suppose that made any difference with the major's argument, do you?"

"No, of course not. He wouldn't think of a thing like that. He moves in too high a moral plane

to be influenced by a small thing like a thousand dollars of notes."

"What's the rule here as to the length of the argument to the jury?" asked Walter, interrupting himself.

"An hour and a quarter unless a different time is agreed upon before they start in," said Dooley.

"I thought it was something like that," said Walter. "Well, when they got round to make the arguments, old Harry said that inasmuch as the evidence was circumstantial, and had taken a pretty wide range, he wanted two days. Of course, he was willing the other side should take the same. The judge told Harry he might have the time if he thought he needed it; so it was agreed that they were to have two days apiece. They thought on that side that the major might keep it up for three or four hours perhaps, and then kind of flat out, and the advantage would be with them."

"Did Uncle Harry take as much time as that?" asked Thorndyke interrupting.

"Yes."

"What kind of an argument did he make?"

"Stout. Old Harry always makes a stout argument. It was stout and sarcastic as hell, all the way through. He was about three yokes of bulls breaking up a stony piece of bushland; he didn't turn out for a thing, smashed right through, making the dirt fly in all directions. 'What of it?' was the burden of his discourse. He'd take up a piece of

evidence against him, analyze it, paw it over, damn the witness on the other side and ask 'What of it?'

"You know Irve's brother, Holman?"

"Seen him."

"Holman had been down to Lancaster one time; and when he was on the train ready to come home, Mrs. Crane came into the same car. She was coming back to Colebrook, and the old doc was with her to say good-bye. He called her all sorts of pet names; when he bid her good-bye, he gave her an affectionate kiss. Holman was called onto the stand, and testified about it.

"When old Harry came to that evidence in his argument he said. 'What of it?' It was nothing but what any decent man or woman might or would have done. No decent person would think anything of it. The witness wouldn't have thought anything of it if he hadn't have been a foul-minded, libidinius little cuss.'

"And that was the style of his argument from start to finish. Damn the character of the witnesses that gave the testimony on the other side, declare that no decent man would see anything wrong in the conduct described and ask 'What of it?'

"It had appeared in the plaintiff's evidence that to raise the money for Mrs. Crane to make the last trip to Lancaster, Harlan had sold the only cow.

"When the major begun his argument he brought up that incident. He described the family. Mrs. Crane and the boy sitting by the fire in the kitchen.

Crane coming in after a hard day's work, tired, hungry, but hearty and happy, and handing over to her the money that he had been paid for their only available piece of property, so that she might go and get the medical treatment, which he supposed she needed. You can imagine how the major rung the change on that incident.

"When they went up to dinner George A. spoke to Harry about the argument. 'Drew's making a great argument, isn't he?' said George A. 'So so,' growled Harry. 'It's terrible touching, isn't it?' said George A. 'I don't see anything touching about it,' said old Harry.

"We took the major up to the hotel, and took just as good care of him as if he had been a prize fighter. Shurtleff gave him an alcohol bath and rubbed him all over; and he had a light dinner in bed, and by the time for the afternoon session, he was as fresh as when they begun in the morning. Harry is an old bachelor, and when the major came to a piece of evidence that Harry had pulled to pieces with his 'What of it?' the major would argue; that, of course, to a bachelor and a pure minded man like old Harry such evidence would perhaps have no significance, but to a married man who knew more about such things it was very suggestive, perhaps conclusive. 'I very much doubt,' said the major, 'if Mr. Bingham were a married man, if he would care to have even his family physician make a public exhibition of affection toward

his wife. If he were a married man I fear he would mistrust.'

"He roweled old Harry so much on that point that Harry really got sore, and said afterward, that he wished he could have had five minutes to teach that young man that he knew what he was talking about. The major never let up a particle all the afternoon, and when they were going up to supper that night old George A. spoke to Harry again, 'Drew's making a great argument, isn't he?' he said. By that time old Harry had begun to admire the speech. 'He keeps on coming,' he said.

"We put the major through the same treatment that night and again the next day.

"In all he talked eleven hours and twenty-eight minutes, he got so wrought up that he clutched his hands so hard that the backs of them were black and blue. Old George A. sat there at the table beside the major as straight as a mackerel, and as solemn as an owl.

"When the major got through with his argument," Walter continued, "he apparently was as fresh as when he begun. During the whole argument there wasn't a minute when you couldn't hear a pin drop, except for the major's voice; and the court house was so crowded there wasn't standing room. Folks got up before light to do their milking; and did their night chores after dark, so as to be on hand. Old Harry held the crowd well to for that matter."

"What was the verdict?"

"When the jury went out they stood eleven to one for the plaintiff, and finally they brought in a verdict for the plaintiff for five thousand dollars. But of course the old doc wasn't anxious to pay that amount and costs; and his lawyers got a new trial on the ground there was error in the admission of evidence or something like that, and then they asked to have it removed to another county for the next trial on the ground of local prejudice.

"During the trial here in Colebrook, Everett Fletcher, Judge Ladd's partner, had sat round apparently not doing much; but after the case was removed to Grafton County, Everett and Tom Johnson conceived the idea that it would be a good thing to show that Mrs. Crane never cared anything for Harlan anyway, and that consequently Harlan could not lose her affections, for he never had them. Now that was a fact; and the more you stir up and turn over a fact, the plainer everybody can see it.

"The old doc's side gave notice and they spent two or three weeks taking depositions on that point, getting ready for the trial at Haverhill in Grafton County, and they had plenty of evidence that she never cared anything for him. Of course that only went to the question of damages.

"About this time old M. V. B., the minister took a hand in the game. He was considerably younger than the old doc; and I suppose he didn't know but what he might like to handle the old doc's money

awhile after the old doctor got through with it. Old M. V. B. got to chumming with Harlan, as we afterward found out, and after he had become pretty intimate with him, he convinced Harlan that five hundred dollars in the hand was better for him than any verdict that there might be in the bushes, after old George A., the major, Edgar Aldrich, Shurtleff, Dudley and Parsons, had got through with it. Anyway he put up some kind of a job with Harlan, that Harlan should not appear at the trial at Haverhill. Just what he gave Harlan I never knew. Of course the major and the rest of the counsel were kept in the dark about that.

"Well, the time came for the trial. They sent up the subpœnas for the witnesses, and the money for the fees; and I went round through the country making services. Aldrich had moved to Littleton and gone into partnership with George A. The day before the opening of the term, in the forenoon up came the Major.

"'Where's Harlan?'

"'I don't know,' I said, 'I haven't had any summons for him, have I?'

"'Get a team as quickly as you can, Walter, and go with me to find Harlan.'

"So I got a team and we started out east ten miles to Harlan's sister's, to see if we could find him there. Uncle Webb, Irve's father, like most farmers, was pretty easy on his team; and when Irve was a boy he got so many lectures about 'not hur-

rying the old mare' that he is generally a pretty easy driver; but this time, as soon as he got into the wagon, he took the reins out of my hands and begun to argue the case and drive.

"'That was the most cold-blooded thing I ever heard of' ('go 'long' and a jerk of the reins), 'the way old Crippen broke up that family'' ('get up, there, what you doing?' and he tok out the whip and sat forward on the edge of the seat), 'wasn't it, Walter?' he said, as he hit the horse a cut with the whip, 'I think ("cluck") that I never (cut with the whip) heard of quite such a piece of cold-blooded villiany ("go 'long, there") in all my life.'

"By that time he was sitting just barely on the edge of the seat and was reaching out on the reins as far as he could while the horse was going on the dead run.

"'Well,' I said, 'if it is, that's no reason why we should kill the horse,' and then he saw what he was doing and he pulled in on the reins and got the horse down to a walk. But in a minute he begun to feel bad for Harlan again, and to argue the case to me for a jury, and in less than five minutes he had the horse on the dead run once more. Then I told him what he was doing and he slowed down for a minute again; but it was that way the whole ten miles; and by the time we got out to Harlan's sister's the old horse was as wet as sweat would make him and blowing like a steam engine; and the

major felt 'most as bad for Harlan as he had when he had argued the case to the jury.

We drove up to the house, Irve threw down the reins, and jumped out over the wheel and went to the door and knocked. Harlan's sister came to the door and Irve bolted in, and looked 'round some, and inquired for Harlan.

She said he wasn't there and she didn't know where he was. Irve looked 'round what he could, but didn't see anything of Harlan, and finally came out. There was a little barn there and the major and I went into that. It seemed to be empty except a pile of pea straw in the middle of the floor. The major called:

"'Harlan, where are you?'

"No answer.

"'Harlan, don't you know that your case comes on for trial to-morrow at Haverhill?"

"No answer. Then the major begun to kick the pea straw over.

"'What you doing there?' I said. 'Hunting for the fragments of a broken home?'

"The major kind of glared at me but said nothing and, after he had kicked the straw over, and hadn't found the fragments, we went out to the team.

"Harlan had another sister living over to Bungy, fifteen miles further on. We hired another horse and went to Bungy. We made all the inquiries we could there, and couldn't find anything of the

fragments. Harlan had a brother living over in Pittsburg, ten miles further on; and we changed horses again, and went over there. We didn't find Harlan; but from what the major drew out of Harlan's brother's folks, the major came to the conclusion that the broken-hearted husband was probably back at the sister's, where we stopped first. So we turned 'round, and came back changing horses at Bungy again.

"When we drove into the yard of the sister at East Colebrook a second time, Irve jumped out; and when they opened the door, he stepped into the entry, and went right upstairs without asking any questions; and there he found Harlan Crane lying on the bed.

"'Harlan, what are you doing here; don't you know that your case comes on for trial at Haverhill to-morrow?'

"Harlan didn't say much.

"'Harlan, you get right up off of that bed. You are going to Colebrook with Walter and me.'

"Harlan got up.

"'Harlan, I don't know as you will sleep with me; but you will sleep where I can find you, until after that case is tried.'

"So we took the broken-hearted husband into the wagon between us, and drove back to Colebrook. It was ten o'clock in the evening when he got there. We had driven seventy miles and used three horses; but hadn't eaten a thing ourselves, except some

crackers and cheese. After we had eaten supper, it must have been pretty nearly eleven o'clock.

When the major found the fragments of the broken home, he had on his working clothes, wool shirt, overalls, and jumper; and I shouldn't think he had shaved for a week. Irve thought he didn't look dignified enough for a plaintiff in a *crim. con.* case; so we took him and started out.

"First we went down to Orville Bumford's barber shop. It was closed; but Orville lived upstairs; and Irve sent up; and I routed him out of bed; and he came down and gave Harlan a shave. Irve paid.

"Irve's brother Ed keeps a general store on the corner, and carries a line of ready-made clothing and 'gent's furnishings.' I went and routed Ed out the same as I had Bumford; and we went into the store for some clothes. We would put on a garment, and then Irve would stand back and look at it to note the effect.

"First Irve made Harlan take off his wool shirt and put on a startched white one. Then Ed threw down two or three suits of clothes; one had a small dot in it, and another was a dark grey. Irve rejected them both, and picked out a black worsted suit with a long cutaway coat. Harlan tried them on, and finally we got a fit. Then the question came about a collar. We tried a turn-down first; but that didn't suit the major. Then we tried a stand up, and finaly settled on that with a black cravat. Then

Ed handed out a soft felt hat. Harlan put it on, and pulled the front of it down over his eyes.

"'Harlan,' said the major, 'turn that hat up.'

"He did.

"'Harlan, what did you turn that hat down for; you haven't done anything to be ashamed of, have you?'

"Harlan didn't answer.

"But the major wasn't suited with the soft hat; so we tried a stiff one, a derby; and the major decided to keep that. Crane was a small, spare man about thirty-five years old, with a black moustache that drooped at the corners of his mouth. When we brought him out in his everyday clothes, he had a kind of don't care appearance; but when we had him dressed up in the starched white shirt, black suit, black cravat, and stiff black hat that the major bought, he was the saddest looking man you ever saw in your life. Heart-broken grief was written all over him. It was then between twelve and one, so we went to bed, for we had to start for Haverhill about five the next morning.

"The major got Harlan down to Haverhill all right that day, but they didn't do much but score up getting ready to begin the trial the next day.

"The next morning the bell boy called me early, and said they wanted me at the major's room. When I went round there, the major was sitting up in bed in his night clothes, and there were Aldrich

and George A., his bald head as shiny as ever. Harlan had gone, couldn't be found anywhere.

"'What do you s'pose has become of him?' I asked.

"'I don't know, but he was feeling turrible bad last night when I saw him last,' said the major, rubbing his eyes to get them open.

"'You don't suppose he has committed suicide, do you?' said old George A.

"'It would be just like him,' said Aldrich.

"'The suicide theory seemed to be the most feasible of anything that occurred to them then; so they decided that Harlan rather than have his feelings 'harrowed' up by another six weeks' trial had made his own quietous.

"'He hated to come,' said the major.

"It's about a mile from Haverhill village down across the fields to the Connecticut River; and they sent me to get a posse of men from among the witnesses that they had summoned, to go down and see if we could find any trace of him there. And say, would you believe it? They put up such a bluff about his committing suicide that the other side rather than have it come out that Harlan had been hired to run away, came up and paid a thousand dollars to settle the suit.'

Walter stopped, lit a match lighted a fresh cigar and settled back again in his chair but said no more.

"So that was the end of the suit of Crane v. Crippen," remarked Thorndyke.

"Yes, that was the end of the suit" said Walter. "Mrs. Crane got a divorce after a while, and left this part of the country, and I don't know what became of her. The old doc is dead, and M.V. B. got his money same as he expected. Harlan lives round here somewhere; but he never brought back the major's suit of clothes."

By this time the court room had become filled, Most of the seats in the bar were occupied by the different lawyers. Judge Bingham took his seat on the bench. Clerk Hastings took his place at his desk and the sheriff at his.

Thorndyke stepped forward and took a seat in the rear of the bar. He had never been present at the opening of a term of court in New Hampshire and the ceremony interested and impressed him. It was begun by the clerk, who after receiving a nod from the judge arose in his place and said in a loud voice.

"Mr. Sheriff, make proclamation for the opening of the court."

Whereupon sheriff Amey standing in his place said in a loud voice: "Hear ye! Hear ye! Hear ye! all persons having any business to transact before the Supreme Court held here this day, within and for the Northern Judicial District of the County of Coos, may at this time draw near, and give their attendance, and they shall be heard. God save the State."

This sounded familiar to Thorndyke, he remembered the proclamation made by squire Pillsbury,

when opening a justice hearing in Berlin. The clerk then again addressed the sheriff.

"Mr. Sheriff, make proclamation to the petit jurors to answer to their names as they were called."

Whereupon the sheriff in a loud voice:

"Hear ye! All ye good men and true who have been summoned to attend here this day as petit jurors will answer to your names as they are called, under the penalties prescribed by law, and the sheriff will return the count."

The clerk called the names of the jurors and as they answered the sheriff counted. Some noise and bustle was occasioned by the changing of seats made necessary by this order. Twenty-eight men answered to their names, and when they had taken places they were told to hold up their right hand and receive the oath, which they did.

This oath was to the effect that "in all suits between party and party they would decide all cases truly according to the law and evidence given them in court."

This oath administered, the clerk again addressed the sheriff.

"Mr. Sheriff, make proclamation for the attendance of the grand jurors."

Whereupon the sheriff, in a loud voice:

"Hear ye! All ye good men and true who have been summoned to attend here this day as grand jurors will answer to your names as they are called,

under the pains and penalties prescribed by law, and the sheriff will return the count."

Twenty-three answered to their names as grand jurors, and after taking their places were told to hold up their hands and receive the oath.

This was to the effec that, they "should full inquiry and true presentment make of all such matter and things as should be given them in charge; that their own counsel and that of their fellows, they should keep secret; that they should present no man for envy, hatred, or malice, nor leave any unpresented for fear, favor, or hope or reward; but should present all things truly, according to the law and the evidence."

The oath to the grand jury is always impressive. Its quaint phraseology was brought over from England, and is the same in substance that has been in use for a thousand years.

The clerk again addressed the sheriff:

"Mr. Sheriff, you will request all persons present to rise and remain silent during prayer."

Whereupon the Sheriff:

"All persons present are requested to rise and remain silent during prayer."

All stood up; and a clergyman, whose attendance had been secured for the purpose, and who had been given a seat on the bench beside the judge, arose and offered prayer, and the simple but solemn ceremony of opening court was completed.

After a suit has been brought, there is always an

opportunity for the defendant to appear, and have time to prepare his defense. The methods and rules of procedure differ in different jurisdictions. In New Hampshire all of the cases that have been in court more than one term are printed by their number and title in a book called a docket. At the commencement of each term these cases are read by their title by the judge, and either plaintiff or defendant may mark them for trial by the jury. This is calling the docket.

After court had been formally opened, Judge Bingham proceeded with the calling of the docket in the usual way; but had not proceeded far when a case was reached in which Mr. Benton was the defendant.

"Jury," said Judge Ladd, counsel for the plaintiff, which meant that he set the case for trial by the jury at the present time.

"What do you say to that, Mr. Benton?" said the judge, either not perceiving that Mr. Benton was not present, or not caring to appear to know it. There was no response, and finally someone in the bar answered that Mr. Benton had not yet come in.

"Mr. Sheriff, you may send an officer to tell Mr. Benton that he is wanted at court," said the judge.

"We will take this case up when Mr. Benton comes in," he remarked to Judge Ladd.

The calling of the docket was then proceeded with, and when a case for or against Mr. Benton

was reached, its consideration was postponed until Mr. Benton should arrive.

Finally at the end of a half hour Mr. Benton came in, and took a seat inside the bar.

"Mr. Benton," said the judge, "No. 10, Smith v. you, has been set for the jury by the plaintiff, and is the first case on the jury list. It is in order for trial to-morrow morning."

The case being one against him, Mr. Benton wanted it continued.

"Yes," said Benton, "they are always anxious to try a case against me. I wish they would be as anxious when the shoe is on the other foot."

There was no answer to this, so Benton continued.

"Ed. Sullivan has got the papers in that case. I shall be ready as soon as he gets here."

"When will he come here?" inquired the judge.

"I'll send him a line at once," answered Benton. "He's to come on the next train."

"I insist upon an immediate trial," said Judge Ladd. "If Mr. Benton would devote himself to his business as closely as he does to some other things, he would be ready to try his cases as they were reached."

"If Judge Ladd had as much business to attend to as I have he'd be buried so deep he never would look out. Here it is, everybody piling onto me at once, and think it strange that I want time to get my papers here."

After considerable such talk it was finally agreed to let the case stand on the jury list; and they then passed on to the next case in which Mr. Benton was interested. He was the plaintiff this time.

"Jury," said Benton, meaning that he was ready for trial. This time, Judge Ladd, who was for the defendant, objected to a trial, on the ground that an unimportant witness was sick, and his attendance could not be procured at this term.

"Ha! I should like to know what he can testify to," said Benton. "It's a suit on a promissory note."

Ladd declared that there was a good defense.

"I wish you were as anxious to try cases where I'm plaintiff as you are where I am defendant," said Benton.

This case was also passed for the time being, like the other.

They then passed to another case against Benton, which was also set for trial, this time by Drew.

"I shall be ready for trial in that case as soon as Ed. Sullivan gets here," he said.

And so it went to the end of the list; when he was plaintiff, Benton was in a hurry to try his cases; when he was defendant he had some excuse for the delay; but the most common was the absence of Ed. Sullivan, sometimes the name of Crawford D. Henning was used in place of Sullivan. Apparently these two men had more business than any other

practitioner at the bar, if Mr. Benton's business was any criterion.

"Who is this Ed. Sullivan and this Crawford D. Henning that Benton speaks of so often?" inquired Thorndyke of Dooley.

"Sullivan is a student in Ray's office at Lancaster, and Henning is studying with Hastings, clerk of court."

"I should think Benton would want somebody as counsel that was at least admitted to the bar."

"Anybody else would."

In the afternoon the trial of a case between Geo. Hilliard and Geo. Van Dyke was begun.

In the evening two young men came into the hotel. They were Edmond Sullivan and Crawford D. Henning. They both tried to get an audience with Mr. Benton; but he was busy with three other gentlemen in the side room, and could not see them that evening.

The next forenoon they both disappeared; and later in the day Thorndyke heard Mr. Benton give as a reason why he could not proceed at that time with the case against him that "that little Ed. Sullivan" had forgotten some papers, (which, in private, Sullivan declared to Thorndyke he had never been told to bring), and so he could not be ready until the next day.

That evening Thorndyke was surprised at being accosted by Mr. Benton.

"You are the new lawyer down to Berlin, I hear," he said.

"Yes."

"I hope you will take hold and do something."

"Yes."

"What ails Cook and Dooley?" Benton asked confidentially.

"I don't know," said Thorndyke, in surprise, for he had always considered both Cook and Dooley as exemplary practitioners.

"They don't seem to have any get up and get to them," said Benton in a confidential tone. "I've given them both a chance to earn a couple of hundred dollars, and they didn't either of them take hold and do anything."

"What is it?"

"I've got a house down there worth a couple thousand dollars. The Donahue house. You know where it is, don't you?"

"No-o," said Thorndyke, trying to recollect.

"Well, it's right there in the village. Tom Donahue came over to Lancaster and borrowed eight hundred dollars on it and then went out west. He said it was worth a couple thousand. If you want to take hold of it and sell it for that, I'll allow you five per cent, and if you can get more, I'll give you half of all the extra you can get."

"All right, Mr. Benton, I'll take it up as soon as I get home, and see if I can find a customer. Pro-

perty is selling quite readily in Berlin, and I'll see what I can do."

Here then was a chance to make a hundred dollars. Think of it! Why, it was certainly worth coming up to court to make acquaintances of that kind. A hundred dollars! Books—or it would be something toward starting housekeeping.

Thorndyke went home in the morning. He learned afterward, that Benton managed during the term to get judgment in eight suits where he was plaintiff and give judgment in only six where he was defendant. All of these without a trial, and that the judgments in his favor were nearly double those against him.

When he reached Berlin Thorndyke at once began to make inquiries for the Donahue property. At first no one knew anything about it, but at last he found that it was located about four miles up the river near Milan line. Still anxious to make a hundred dollars, he paid a dollar for a team and drove up to see it. He found a small tumbled-down house and perhaps a quarter of an acre of land. It was so far from the village, that a mill man to live there would have to keep a horse. Little as he knew of the values of real estate, he saw at once that if Benton had loaned eight hundred dollars on that piece of property, he had loaned more than it was worth. His vision of the hundred dollars commission vanished. He saw clearly why Cook and Doo-

ley had not been more active. Evidently he had lost a dollar and his time by the transaction; but it was not a total loss, for Miss Pillsbury had accompanied him, and a drive with her was a luxury which he could not often afford.

The trip to Colebrook had cost him fifteen dollars. This had consumed his surplus, and he found that he had unconsciously removed from Easy Street back to Poverty Lane.

NOTE.—In justice to the Late Honorable Jacob Benton I feel obliged to say that although the account of his speech given above has long been current in New Hampshire, the Congressional Record hardly bears out the story. By the kindness of Hon. F. D. Currier, now Representative from New Hampshire in Congress, I learn that the facts were as follows:

At the second session of the 40th Congress, Hon. Jacob Benton made a speech on reconstruction. During that speech he made the statement that a large proportion of leading Northern Democrats discouraged enlisments and opposed the draft. Sitgreaves of New Jersey inquired if the gentleman from New Hampshire meant to say that the Democratic party everywhere discouraged enlistments and opposed the draft, and if he included the Democratic party of New Jersey. Benton replied, "I allude to the majority of the leading and controlling Democrats throughout the country."

Sitgreaves: "I inquire whether Joel Parker, then Governor of New Jersey, is not a leading Democrat and whether the gentleman means to include him."

Benton: "I have not said every leading Democrat, but the majority of the leading Democrats."

So far as the Record shows, this was the only interruption made during the entire speech. I am familiar, as I suppose you are, with the story so often told in New Hampshire regarding Mr. Benton's colloquy with the Southern brigadier.

If such a colloquy occurred it does not appear in the Record."

But since the story has been current for so many years, and inasmuch as I nowhere profess to be accurate in my incidents, I have decided to let it remain in the text.

CHAPTER XII.

MUSINGS AND THEIR IMMEDIATE RESULTS.

How much better the courtship and marriage customs of savage than of civilized man!

Among savages, if you are enamored of a maid, there are two courses open to you; you may go openly to her father, agree with him upon the price, and buy your wife as you would any other piece of property; or you may win her by conquest, fight for her, make her father surrender her to your superior prowess. In either event you do not have to consult the girl.

Thus mused Thorndyke one sunshiny morning a week or so after his return from the trip to Colebrook, as he sat in his office with his feet on the office table.

"If," he mused, "I had lived in this very place a hundred and fifty or two hundred years ago, when the Androscoggin Indians used to come here in the spring of the year to take the salmon with which, Uncle Bailey K. Davis has told me, the river abounded; and which, he says, they smoked to preserve for future use; and if I had been a young

warrior and she, Miss Isabella Pillsbury, had been a copper-colored maiden, and her father one of the medicine men of the band, how quickly I would have settled the matter. Suppose I had seen her at a religious powwow, as I did, I should know just what to do. I could lick old man Pillsbury, and I would, too, if he didn't give her up without. See me, with my bow and arrows tied tightly to my back, march up to the old man's wigwam, which I had spied upon until I knew that both he and the damsel were within. In I march. 'Sir, I have come to marry your daughter,' I remark, in a casual tone of voice. 'Sir,' he says, reaching for his tomahawk, 'this is most unexpected. I must have time to consider. At least, sir, you will make me compensation. (Yes, Pillsbury would want compensation.) Belle is a great comfort to her parents, I cannot spare her.' I do not want to kill the man, I use no weapon; but for answer I lead with my left for his optics, I swing my right for the point of his jaw; down he goes, and out. While he is taking the count, I take the girl. There she is at one side of the wigwam, where she has stood in surprised amazement, wondering if it's a marriage or a funeral. Now she realizes that she's a married woman. I seize her by the wrist and lead her forth. We are man and wife.

"After our marriage, we would spend our honeymoon like Hiawatha and Minnehaha in the forest. I would hunt and fish, she would make garments

of skin. In the fall we would return to the village with our summer's harvest and take our places as respectable members of society."

The cause which had turned young Thorndyke's thoughts in the direction indicated above was a dapper young man of about his own age, who was employed as a clerk in a neighboring drug store. His name was James Freeland. With most people he was a popular young man. In fact, Thorndyke had liked him until recently; but the evening before he had had the temerity to accompany her, Miss Pillsbury, to an entertainment. Think of that, will you? And she had gone with him, not under compulsion, but, we must presume, voluntarily. If only she had been carried off by violence he could have forgiven the result; but voluntarily! Oh, woman, woman, thy name is perfidy!

But as his thoughts dwelt longer on the subject his sense of justice compelled him to acknowledge that the divine Isabella had much justification for her conduct. It was now five months or thereabouts since he had first met her. During that time, with the exception of the trip to Mt. Prospect and a few entertainments to which he had accompanied her, and the few calls he had made, and the regular Sunday evening walk home from church, and the short call afterward, he had given her but few tokens of his real sentiments. How was she to know he cared for her, when he kept it so closely to himself? Why should she not accept the attentions of others when

they offered her wholesome pleasures, which he did not? Of course, if she would make him her special friend, he was in duty bound to be ever present as her escort.

As regards this James Freeland, he was of course a much more taking person with the ladies than himself; but, on the other hand, he was quite a flirt. He seemed to be attracted first by one bright light, and then another in the feminine firmament.

Perhaps his fancy for Miss Pillsbury, like that for the others, was only a passing whim. But there was great danger. Miss Pillsbury was so different from other girls, so much more lovely that even Freeland, if often in her society, must surely become a captive to her charms. This calamity must be averted at all cost.

This brought him to an immediately practical aspect of the matter. One of the church organizations was promoting a series of lectures and entertainments—a lecture course, as it was called. A single ticket to the course was three dollars. Tickets for himself and Miss Pillsbury would be six dollars. Moreover, he did not know whether she would occompany him. That little Freeland might, and very probably had already arranged the matter for his own benefit.

This last thought decided him. He would ask her and at once. Delays were dangerous. And as to other entertainments, since he could not bear the thought of her going with others, he must at all cost

be prepared to accompany her at all times himself. With these thoughts he once again in the forenoon sought the Pillsbury homestead. But when he had gone part way he turned back, for he then remembered that the schools had begun their fall term, and that Miss Pillsbury was employed in teaching one of them.

However, the delay was only temporary. In the evening he made the call; and as usual passed a very pleasant two hours. He was fond of music and Miss Pillsbury played the piano. We have already mentioned that she sung in the choir; and it is hardly necessary to say that her voice was very agreeable to Thorndyke. In reality she had a sweet voice, though it was not of uncommon power.

Before leaving he brought up the subject of the lecture course.

"I should like to inquire," he said, "if I may have the pleasure of your company for the series of lectures the coming season."

"With pleasure."

This gracious response emboldened Thorndyke to say further, though he said it without previous consideration.

"And, by the way, Miss Pillsbury, whenever you want to go anywhere, or need an escort for any purpose, if you would only call on me, or give me hint, I should be only too glad to place myself at your service."

"Thank you."

And so Thorndyke departed.

But when he again reached his office and had an opportunity to reflect upon the subject he was in doubt as to just where he stood. She had thanked him for his offer to be her special and constant escort; but was that an acceptance or a polite refusal; or was it neither, but an indication of a neutral position to be accepted or rejected as circumstances might later seem to dictate? Much as he admired Miss Pillsbury, he had a feeling of powerlessness when in her presence. He felt that he was so transparent that she could see his thoughts and motives with a clearness that was liable to breed contempt for his simplicity.

"Well," he said to himself, "it rests with her. She can have me or throw me over just as she wants. And she probably knows it. My main hope must be in her good-heartedness. I believe she is too true a woman to toy with a man so much in earnest as she must know I am. Anyway, I shall trust her and hope I shall come out all right."

Again, his offer to accompany her on all occasions, which he had made without previous consideration, had placed him under an unexpected financial obligation.

He felt that no matter how poor his business or how great the expense, she had a right to expect him to accompany her at any time.

"Well, a fellow can't court his wife without its costing him something," he mused. "I wish it

hadn't come just now, until I was better established in business; but I don't see how I am to blame. I couldn't know she was here before I came and saw her. I am not responsible because she is the best and handsomest girl I ever saw. Besides—well, since I said I would, I will. She shall be entertained, if I have to go hungry to do it."

And his thoughts wandered back to the aborigines. Perhaps their lives were not all sunshine, or their courtship always felicitous. It must be somewhat strenuous at times to find all of the fish and game a large family would consume. And then, think of living without an iron implement. Think of going up to the vein of flint in Jasper Mountain, taking a rock and breaking out some pieces and taking them back home, and working them up into arrows heads, a hunting knife and a tomahawk; and with these implements making a canoe, besides doing all of the work of preparing food, making clothing, and all the acts of getting a living.

And as to their marriage customs. What of a wife without love! She would be no wife at all. If a wife were not worth the winning, she were not worth having. Yes, he would work and try and deserve Miss Pillsbury's love, hoping he would get it, if he deserved it.

Nor was his position wholly different from an Indian warrior lover after all. The Indian waited and hunted for game; he must wait for business. Capturing a moose perhaps, or a bear, would be a

big prize for an Indian youth; a big verdict would be for him. There was the Griffin case. That was a big moose. It was in sight, but still so far off that its capture was uncertain. Yes, if he won that case he might presume to consider himself sufficiently well established to make his sentiments known to the girl he worshipped. Here, then, was the course in which his efforts must be directed.

CHAPTER XIII.

GRIFFIN V. THE GLEN MANUFACTURING CO. TRIAL BY JURY.

"LANCASTER, N. H., November 4, 1885.

"Miss ISABELLA S. PILLSBURY,
"Berlin, N. H.

"MY DEAR MISS PILLSBURY:

"Verdict in Griffin v. Glen Manufacturing Company for two thousand five hundred sixty-two and 34/100 dollars. *Hooray!* I made the opening statement and put in the evidence on our side. Cook made the argument.

"The other side moved for a verdict at the close of the evidence. The motion was denied and they excepted. They will probably take the case up to the law court, but Cook says we can sustain the verdict. I think so, too. I expect it will take four or five months to get a decision there; but when we do, if it is in our favor, I shall have something *very important* to say to you. Hope you are well.

"Very truly yours,
"T. THORNDYKE."

THE above was written late one evening from Lancaster on the day of its date. It was the first letter which Thorndyke had ever sent to his sweetheart. After writing it he read it over several times and then hesitated about sending it. It seemed so much like a business letter. Besides, what right had he to expect that she would care whether he

won or not, and then the statement about "something very important." She must understand that as equivalent to half a proposal for marriage.

"I can't be always on my guard with her, and I'm not a going to try," he said to himself. "If we ever should marry, she will have to find out what I am and to take me as she finds me. If you can't trust your sweetheart, who can you?" and he sealed the letter and deposited it in the office. Many a lover has covered pages of paper with his amorous longings and loves and has meant less than Thorndyke by this simple note.

The verdict had just been returned, but the case had been on trial for the greater part of the week.

Mention is made in Thorndyke's letter of the part taken by Cook in the trial. As a general rule, cases involving as much as this are tried in Coos county by two or more lawyers on a side. So it was that soon after bringing suit, Thorndyke had proposed to Griffin that additional counsel be employed.

"Who do you want?" asked Griffin.

"I don't know," said Thorndyke. "Drew and Ladd will both be on the other side, I suppose, as they are both retained by the company."

"Can't Berlin try one side?"

"Well, Dooley has a general retainer by the company; so we can't get him; but I guess we could get Cook."

"How would he do?"

"All right. He knows the law, and he's a good talker, too," said Thorndyke, recalling Cook's argument in the Gregoire case.

"Why don't you see if he will take hold with you?"

"All right, I will."

When Thorndyke applied to Cook, he said that he would be glad to help try the case. Taking such memoranda as Thorndyke had in the case, he examined it, suggested other persons who might be witnesses, found additional authorities on the law, and together he and Thorndyke interviewed witnesses; so that by the time for the October Term of Court to convene, which is held at Lancaster, they felt that they had the case well in hand.

As has been said, notice had been given when the writ was served, for a trial at the first term. Although this had the effect of putting the case on the jury list, still it was near the heel of the docket; and as there were quite a number of jury cases ahead of it, there was much uncertainty as to whether it would be reached and tried at that term. But some of the cases ahead were continued, others settled, and one day, about the first of November, Thorndyke was notified to have Griffin and his witnesses in attendance at court the following day, and to be ready to proceed with the trial.

Thorndyke notified Cook, and then hurriedly found Griffin and told him the news. He was barely well enough to commence work again. His

ankle was quite stiff, considerably enlarged, and weakened. It tired much more quickly than the other. Though trying to work, he walked with a limp.

"Well," he said, "I have only commenced to work again, and I haven't had time to earn a cent of that hundred and fifty dollars you said it would take."

"That is bad; we can't try the case without money."

"What do you think of our chances to win?" he asked again. By this time, Thorndyke had spent so much time in preparing the plaintiff's side that he saw it very clearly, while the defense was a matter of conjecture. The result was that his confidence in the plaintiff's ultimate success was much greater than when he had first been retained.

"We can win out," he said, "if we can only get the money to get the case to the jury."

"Can't you borrow the money somewhere?"

Thorndyke had foreseen this contingency and was not wholly unprepared.

"I don't know," he said. "Possibly you might get it of Mr. Benton of Lancaster. They say he has money to lend; and sometimes lets it out on doubtful paper; but he may want more than six per cent."

"When can we see him?"

"To-day, if we hustle and take the noon train."

"Hadn't you better go and see him?"

"You will have to go, too, so you can give the note if he will let us have it."

And so it was arranged that they should go to Lancaster to see Mr. Benton, and get the money from him, if possible. Accordingly, they took the noon train for Lancaster.

"What are you going to do if Mr. Benton won't let us have the money?" asked Griffin when they were aboard the cars.

"I don't know," and then, as he thought of the delay which it would cause to his matrimonial plans, Thorndyke added, "If he has it, he's got to let us have it."

"We can't take him down and take it away from him, can we?"

Thorndyke, still thinking of the future, saw in his mind's eye the cozy sitting-room and the woman he loved, and replied,

"No, we can't take him down and take it away from him; but we won't give up as long as there is a possible show of success." Then turning to his companion, he repeated with an emphatic gesture: "If he has it, he's got to let us have it. We won't take no for an answer."

"What if we can't possibly get it?"

"Then I suppose we shall have to pay costs and get the case continued if we can."

"How much will the costs be?"

Thorndyke thought a moment. "Probably twelve to fifteen dollars."

"What if we can't do that?" persisted Griffin, apparently determined to know the worst that could happen.

"Well, if worse comes to worst," Thorndyke replied, "we can enter a voluntary non-suit, pay costs of probably about eight dollars and lose all of the money we have spent so far, and begin another suit; but we should be in the same box next time. Besides, I don't want to wait."

Rather unexpectedly they found Mr. Benton alone in his office. He sat by a table and appeared to be writing. As they entered, he looked up.

"Hello, sold the Donahue house yet?" he inquired.

"No, not yet," replied Thorndyke.

"What ails all of you fellows down there at Berlin? You don't any of you seem to have any get up and get to you. Are you all dead, or what is the matter?"

"I guess we are not all dead," said Thorndyke, not caring to tell Mr. Benton that his price for the house was too high.

"What you fellows over on the Androscoggin want to do is to take hold and push things. You don't want to let any chances go by. When I was your age, if I had had a chance to make a hundred dollars as easily as you have, I should have taken hold and worked."

Thorndyke made no reply. After a moment's pause, he said:

"This is Mr. Griffin. He's the plaintiff in the case of Griffin v. The Glen Manufacturing Co."

"Yes."

"It's the next case in order for trial. The judge has ordered us to be ready to-morrow."

"Yes."

"It's a good case. He had his ankle broken and it hasn't got well yet, and probably never will entirely. He ought to get a verdict for a substantial sum."

"Yes."

"Cook is going to help to try it."

"Yes."

"Well, everything is all ready; but he hasn't got the money to get his witnesses over here."

"You can't do much without witnesses."

"No."

"How much will it take?"

"We think we can get along with a hundred and fifty dollars," said Thorndyke, trying to speak as though a hundred and fifty dollars were fifty cents, a mere bagatelle; something that every man carried in his pocket along with his cigars and his matches, to be loaned and given away, should he happen to meet a friend.

"Well, what do you want of me?"

"Want you to lend the money."

"What has he got for security?"

"What have you got?" asked Thorndyke of Griffin.

Griffin admitted a deficiency of such desirable property.

"Think you can win your case?" he asked of Thorndyke?

"We will lick them to a standstill," said Thorndyke enthusiastically, "if we can get a chance."

The corners of Mr. Benton's mouth turned up in a way that nature had meant for a smile, but which made it look much like a new moon.

"You've licked the other side pretty early in the game," he observed.

"We have got the law and evidence to do it," said Thorndyke with decision.

"You say it's an accident case. How did the accident happen?"

Thorndyke explained the case at length, giving the facts already known to the reader.

"And you want a hundred and fifty dollars?" asked Benton when he had finished.

"Yes."

"That's a good deal of money."

"On a case good for five thousand dollars?"

"Yes."

"It doesn't seem so to me."

"I suppose you would endorse the note yourself?"

"Certainly."

"Well," said Benton, "I don't think I have the money on hand myself that I could spare now, but

if I could get it for you, I suppose you would allow me something for it, wouldn't you?"

"Of course."

"I might have to put my name onto the back of the note, too, you know."

"All right, how much do you want for that?"

"You want a hundred and fifty dollars. What do you say at allowing me fifty? You could add it into the note."

"What," thought Thorndyke, "is fifty dollars in financing a five thousand dollar law suit?"

"All right," he answered, without hesitation. "We'll add that into the note."

"When have you got to have the money?"

"To-day."

"Can't you get along for a day or two?"

"No, we've got to be ready to summon witnesses any time."

"I'm afraid I can't accommodate you," said Benton, apparently drawing back.

"Why not?"

"Don't think I can see the man that's got the money in season."

"Can't you let us have it yourself?"

"I've got a little money on hand, but I've got to use it."

Thorndyke arose. There was only the table between them. Looking down onto Mr. Benton, he said with all the earnestness at his command.

"Now, see here. You have been blowing me up

sky high, because I haven't made a hundred dollars by selling your house for two thousand dollars. Selling real estate is not my business anyway. Lending money is yours; but when I give you a chance to make fifty dollars on a deal of a hundred and fifty, on a sure thing, you shy like a colt."

"What if you lose your sure thing?"

"What if we do? Can't a young man like me with no family to support pay a couple of hundred dollars, if I have a little time?"

"Will you?"

"Certainly, if we lose the case."

"Well, here," said Benton after a pause, opening a drawer and taking out a note blank which he threw on the table in front of Thorndyke, "make out a note for two hundred dollars payable in six months, with interest, let Griffin sign it, and you just put your name on the back of it, and I'll see, perhaps I've fot a hundred and fifty dollars that I can let you have till I can see the other party."

Thorndyke hurriedly took the blank, filled it out as Benton had directed, wrote his name across the back, had Griffin write his name at the bottom and laid it on the table in front of Mr. Benton. That gentleman picked it up, read it carefully, looked at the name on the back and reaching into the inside pocket of his vest, took out a wallet containing a roll of bills. Opening this, he counted out one hundred and fifty dollars from the top of the pile and handed it to Thorndyke.

"That's some money I've just taken in," he explained, "and I guess I can spare it till I can see that other fellow."

Thorndyke took the money eagerly.

"I thank you very much for your kindness in this matter," he said, "and I will certainly see that it is paid, if I have to pay it myself," and followed by Griffin, he went out.

Once outside Mr. Benton's office he could not restrain his satisfaction and enthusiasm.

"I tell you, when you have got to do a thing, the only way is to sail right in and do it. If I had gone at him in a half-hearted sort of a way, he would have turned us down in a minute; but I made up my mind when I went in there that, if he didn't turn us down flat the first thing, I would stay with him as long as there was a possible chance."

He put the money in his inside vest pocket as Benton had carried it, and as soon as possible he and Griffin took a return train to Berlin.

The following day, Cook, Thorndyke, and Griffin, with his witnesses, went to Lancaster on the noon train.

There was some delay in getting started with the trial, and it was the middle of the afternoon before a jury was drawn. When this had been accomplished, the trial begun.

There is not ordinarily much opportunity for oratory or eloquence, in the generally accepted definition of that term, in the opening statement; but it

is not on that account unimportant. Commonly it is the first the jury know of the case, and it is important to the plaintiff that their first impressions are favorable to him. A bungling opening statement is apt to confuse the jury and to make their understanding of the case the more difficult.

Cook, who had been in practice about three years, fully understood this, and at his suggestion, Thorndyke had written out the greater part of the opening, and they had examined it together. As a result, Thorndyke told the story of the accident to the jury, having due regard to its chronological and logical sequence, and without the omission of any important detail. All of the afternoon was thus taken up.

As a general rule, a different judge is selected to hold the October Term at Lancaster from the one who has presided at Colebrook; but this does not always happen, and this year Judge Bingham held both terms.

Thorndyke was therefore much pleased when the judge said to him after adjournment for the day:

"You opening statement was clear and comprehensive, and seemed to have the close attention of the jury."

The remark was characteristic of Judge Bingham. Patient, considerate, friendly, and kind-hearted, without any effort on his part, he at once put every young and bashful practitioner at ease; and by the utter absence of that crabbedness of manner which some judges seem to think is necessary to support

judicial dignity, he won the sincere and life-long affection of all of the young men of the bar who practiced before him.

There was no great controversy over the facts. As already appears from Thorndyke's letter, he introduced the evidence for the plaintiff. On the other side Major Drew opened the case, and put in the evidence, while Judge Ladd made the argument. It is needless to say that those two experienced and able lawyers tried the case with their usual ability. Then the argument for the plaintiff was made by Cook.

It was the first case he had ever argued to the jury, though he had taken part in former trials. He made a strong presentation of the case, while his youth and evident inexperience doubtless gained the sympathy of the jury. Cook's success in this argument gained him many congratulations from the older members of the bar and from the presiding judge, and later some important clients.

About half-past six the jury were brought in a body by the deputy having them in charge, to the Lancaster House for supper. Two of them walked together a short space behind the other ten. Experienced observers at once divined that the jury stood ten to two; but of course none knew in whose favor the ten had voted.

"That looks bad," Cook whispered to Thorndyke, as they sat at a table in the dining-room of the hotel when the jury came in.

"What?" asked Thorndyke.

"Their coming in to supper."

"Why?"

"It shows that they think that there is no immediate prospect of an agreement. If they thought they could agree soon, they would have stayed and made up their verdict before coming to supper. I'm afraid it is going to be a disagreement."

Finally the office of the hotel, with its noise, bustle and even mirth, became unbearable. How, thought Thorndyke, could anyone be happy while the jury were wrestling with this important case. So Cook, Thorndyke, and Griffin went up to Cook's room, where they seemed to find a partial retreat from the cloud of disappointments which seemed to be settling down upon them.

While they sat thus, saying little to each other, at about a quarter of ten o'clock there came a knock on the door, and in answer to Cook's "Come in," Henning, law student and deputy clerk, entered. "They want you in the Judge's room," he said. Without a word the little group arose and went as requested to a front room at the other end of the corridor which was occupied by the judge. Entering they found already there the judge, Major Drew, and Judge Ladd, counsel for the defendant, and clerk of court Hastings, who was holding a sealed envelope in his hand.

"The jury had brought in a verdict," the judge

remarked. "Is there any objection on your part to having it opened now?" he asked.

Thorndyke looked at Cook, but said nothing.

"It's a good deal like a bath in ice water; but I suppose we've got to take the plunge some time," observed Major Drew.

"I see no objection to opening it now," said Cook.

"Then you all agree to opening it now?" asked the judge.

"Yes," said Drew and Cook, representing each side.

Clerk Hastings tore off the end of the envelope, took out a piece of paper, and read:

"John T. Griffin v. The Glen Manufacturing Co.

"The jury in the above entitled cause find [what? quietly thought Thorndyke] that the defendant is guilty" [we've got a verdict of some sort, thought Thorndyke] in manner and form as the plaintiff had alleged against him; and asses damages in the sum of two thousand five hundred sixty-two and 34/100 dollars.

"JOHN DOE,
"Foreman."

By the time the reading was finished, a glad smile was on the faces of Cook, Griffin, and Thorndyke.

Congratulations were received by them from Drew, Ladd, and Judge Bingham, and they then returned to Cook's room, where they could indulge their joy without restraint. Cook, Thorndyke, and Griffin shook hands, and then repeated the operation again, and then again.

"We cleaned them out, even if they are older than we, didn't we?" asked Cook.

"We had the right side and the case was well prepared," said Thorndyke, and then recalling that he was praising his own work, he added, "and well argued, too," thereby giving Cook his share of the praise.

"Boys," said Cook, taking a hand of Thorndyke and Griffin in each of his, "we can make that verdict stand. They never can get it away from us. They haven't got any exceptions to amount to anything except the one to the motion for a verdict, and we've got enough into the case to go to the jury on."

"The verdict will stand, all right. There is no doubt about that. They have got to cough up this time, sure," said Thorndyke confidently.

CHAPTER XIV.

GRIFFIN V. THE GLEN MANUFACTURING COMPANY. LAW TERM.

In all countries where the English Common Law is the basis of its system of jurisprudence, there is a court of final resort, whose function is to authoritatively announce and apply the law relative to such cases as may come before it. It exists under various names.

Whatever its name, its functions appear to be everywhere about the same. It is generally composed of a number of men, who at some former time have been admitted to practice the profession of the law, but who at the time hold the office of judges. It is essentially a court of legal review. It has no jury and does not of itself ordinarily hear evidence or decide questions of fact; but it reviews the proceedings of those courts which try and determine such questions.

In New Hampshire a system modeled after the ancient English system was in use in 1885. There were seven men who had been appointed by a governor and counsel as judges of the Supreme Court.

Their appointments hold from the time they are severally made, until the appointee is seventy years of age, when, in consequence of that fact, he becomes disqualified to hold the office. Singly they go from county to county, and, at stated times, hold trial terms in the shire towns, at which juries are convened and questions of fact determined. Twice in the year all of the judges meet at Concord, the State capital, and hold a law term, at which such cases as have been transferred are heard and considered by all of the judges, except the one who held the trial term.

If the law court finds that all of the proceedings at the trial term were free from error, the result there reached remains and is confirmed. If there was error at the trial term, the case may be sent back for a new trial, or there may be some other disposition of it.

Substantially the only question which had been raised in the Griffin case at the trial term, had been raised by the motion of the defendant, the Glen Manufacturing Co., for a verdict, and the exception to the judge's order denying the same. But the exception was one of far-reaching importance. It was made upon the ground that, if all the evidence in the case were true, still there was not evidence which would warrant a verdict for the plaintiff; the rule being that, where there is no evidence, the defendant prevails, because the burden of proof is upon the

plaintiff, he being the party who is trying to change the present established order of things.

The plaintiff's case was tried on the assumption that James Perry, the superintendent who profanely gave the order to the engine-man to "hist'er, hist'er," and had followed the command with the declaration, "There's a team waiting," stood in the same relation to the plaintiff as if he had been, in fact, the defendant company.

The machinery used and the method of doing the work being shown, it was left to the jury to say whether the order given by Perry to the engineman was, under the circumstances, a proper one or a negligent one, liable to produce the injury which followed it.

As Judge Bingham, before whom the case was tried, Judge Ladd, and Major Drew, counsel for the defendant, and Cook and Thorndyke for the plaintiff, understood and tried the case, the questions were, (1) Was the principal, the Glen Manufacturing Co., liable for the acts of its representative under such circumstances? and (2) was Perry such a representative? To show that he acted in a representative capacity, his position with the defendant was inquired into; and it was shown that he had authority to hire and discharge employees and to direct their movements while employed.

Cook and Thorndyke were anxious to have the case argued at the December Term, as they thought it would make six months' difference in the time

when they would get the final decision. If not argued then, it would not be heard until June.

Accordingly, the next day after the trial, Cook and Thorndyke applied to Judge Bingham to draw the case; and, as the judge was quite ready to do so while the facts were fresh in his memory, it was drawn and signed the same day.

The case was important to Cook and Thorndyke, and they considered the question an important one to the profession and to the public. They examined every case they could find from the old English case of Priestly v. Fowler down to the last one decided in any of the United States. In order to have access to the reports where these decisions were to be found, it was necessary to go to a public law library. They accordingly went to the State capitol, where the State library is located.

While there, Thorndyke thought he had hit upon the principle upon which the case should be decided, and after some labor, he formulated it and then proceeded to find Cook and expanded it to him.

"I believe," he said, "that I have worked out a formula which ought to furnish a key to the decision of this case."

"What is it?"

"Thorndyke read from a paper what he had just penciled as follows:

"*The master has a right to direct the servant. He may exercise the right in person or by another. In either event, a negligent exercise of the right is*

the master's negligence. What do you say to that?" he asked.

"It sounds all right, let me read it," and Cook took the paper and read it aloud.

"Within the scope of his employment," said Thorndyke argumentatively, "the master has a right to direct the servant. That is true, is it not? That is what the contract of hire amounts to anyway, isn't it?"

"Yes."

"The master may direct in person or by a representaitive. That's true, too, isn't it?"

"Looks so to me now."

"Now then," said Thorndyke enthusiastically. "It is a general and fundamental principle of law that if one accepts the benefits of, or procures, or authorizes the acts of another, he must also be responsible for their consequences. For example, the principal is bound by the acts of the agent within the scope of his employment. Moreover, the master is liable for the torts or wrongs done to third persons by his servant within the scope of his employment. For example, I am a grocery man, I employ a servant to deliver goods to my customers, and furnish him with a suitable team for that purpose; but while so employed, using my team for that purpose, he negligently runs into and injures a third person also lawfully upon the highway. I am liable in damages. That is true, isn't it?"

"Yes."

"Now then, when a man hires out to me, he agrees that in a proper manner and within the scope of his employment he will subordinate his will to mine, obey me. That is true, isn't it?"

"Yes."

"If I myself assume to direct him within the scope of that employment and am negligent in giving the directions, so that he is injured through my negligent directions, I am liable in damages, am I not?"

"Yes, it seems so. Yes, if you yourself negligently direct a servant and he is injured in consequence, you are liable. The decisions seem to be unanimous to that effect."

"Now, why should not I be liable when I employ a man for the specific purpose of doing what I might do myself; but for the negligent doing of which I should be liable in damages if I did it myself?"

"You know the fellow-servant doctrine," replied Cook, "that an employer is not liable to a servant for the negligence of a fellow-servant, where they are working together and one injures the other. The courts say that as between fellow-servants the negligence of one is the negligence of the servant, not the employer."

"It seems to me that this theorem excludes the fellow-servant. It is only when, with the master's authority, his representative is exercising the master's right to direct that the liability attaches. Take the case in which we are preparing our argu-

ments. Griffin worked in the cut handling rocks. Perry was in command, directing the operations; moreover, he had authority to hire and discharge employees, though that may not be material. While clothed with this authority, he comes along and issues this improper and negligent order. In no sense is he a fellow-servant, judged either by the work which he commonly does or is doing at the time.

"The industrial army of to-day is organized much like the military. Eeach has its privates in the trenches and its officers in command. The responsibility for the safety of the man in the trench often rests in a large measure on the man in command, and at such times we have a right to demand that he be not negligent."

"Well, argue it on those lines and see how you come out," said Cook. "You never can tell what the Supreme Court will say until it says it."

"It seems to me that responsibility for the acts which the master does or which are done by his authorized representative acting for the master is the key which unlocks the door."

"Well, as I said before, throw it at the Supreme Court. I don't see how it can do us any harm, and it may do some good."

When Thorndyke constructed his brief, he placed the maxim as above stated at its commencement, and tried to find in the reports, support for the positions stated therein.

Cook also made a brief in which he stated the law as it appeared to him.

When Griffin v. The Glen Manufacturing Co. was reached, Major Drew opened for the company. He was followed by Thorndyke, counsel for Griffin, who endeavored to explain and maintain his formula. Then Cook closed for Griffin and after him Judge Ladd for the company. The arguments of all of the counsel were directed to the question of the liability of an employer for the acts of his vice-principal.

There is no time within which the Supreme Court is required to render decisions. It is entirely within their control. The court adjourned till March. If no opinion should be prepared at that time, the case would go over until June. The presumption is that the more difficult the case, the longer it takes to reach a decision.

So, like the parties and counsel, we must wait until March, and possibly June, for the decision of the Supreme Court, before we shall know how the case comes out, and how its decision will affect the fortunes of our hero.

CHAPTER XV.

MEETING OF THE GRAFTON AND COOS BAR ASSOCIATION.

DECEMBER 12th, 1882, the lawyers of the northern county, Coos, and of the county next southerly on the west side of the State, Grafton, met at the Law Term at Concord, Hon. George A. Bingham, presiding; and organized a Bar Association.

Soon after Thorndyke came to reside in Berlin he heard various mention made of the Grafton and Coos Bar Association, and he became anxious to attend their annual meeting, which always comes in midwinter.

When the time for holding the meeting finally arrived he found himself, as usual, with practically no funds; but he had unlimited faith in the ultimate success of the Griffin case, and finding that he could get together enough money to pay his car fare and hotel, he decided to go, leaving his board bill to be paid out of the proceeds of the Griffin case when the verdict should be sustained by the Supreme Court.

The annual meeting was held at Lancaster that

year; and he took the morning train so as to lose nothing of the enjoyment he could so ill afford. It was a blustering day in the latter part of February; the snow was already two or three feet deep, and a storm was coming on. The train which he took was the only one to arrive on time. It reached Lancaster at about seven-thirty in the forenoon, and he had to wait until two in the afternoon before the exercises were to begin. This time was occupied in conversation and in forming acquaintances with other early arrivals.

The president of the Association is William Heywood, Esq., of Lancaster, commonly called by the members of the profession, Father Heywood. Thorndyke first saw him at the September term at Colebrook. He was still hale and hearty, though in his eighty-second year, and was then in active practice, being the oldest practicing attorney in the State. While not especially skilled in the arts of the advocate, he has successfully represented his clients, and has won by his preparation of his cases, by the breadth of his legal knowledge, and the apparent, as well as real sincerity of his motives and convictions.

The first vice-president is the Hon. Harry Bingham of Littleton, of whom mention has been already made, familiarly called Uncle Harry. Uncle Harry has twice been offered a position on the Supreme bench of the State. The second vice-president is

the Hon. Jacob Benton, of Lancaster, whose acquaintance the reader has also already made.

As the day wore on, the snow and the storm became thicker; ditto the lawyers. Each train, whether from the north or the south, brought them singly, in pairs, and small groups, so that by the time the formal exercises were to commence, which was three o'clock in the afternoon, some fifty or seventy-five members of the profession were in attendance.

The literary exercises were held in the Court House, and consisted of the president's address, which, as usual with Father Heywood, was short, pointed and full of good fellowship; then of the annual address, always delivered by some distinguished member of the profession, usually not a member of the association, and which was delivered this year by the Hon. George N. Dale, of Island Pond, Vt; and, finally, of memorial addresses and biographical sketches.

This year Colonel Henry O. Kent, a lawyer living in Lancaster, but who had devoted himself to banking, and who is an accomplished and convincing orator, delivered an eloquent address on the life and achievements of the late William Burns, a lawyer who had formerly been in practise in Lancaster.

A. S. Bachellor, Esq., of Littleton, read a biographical sketch of the late E. D. Rand, formerly of Lisbon, N. H.

By the time the programme had been rendered it

was five-thirty in the afternoon. A business meeting was then called to order by the president, Father Heyward. Batchellor of Littleton, familiarly known as Batch, secretary of the association, then announced that the business of the meeting was to re-elect Father Heywood as president and to elect the other officers of the association for the ensuing year. He moved that a committee of three be appointed for the purpose of bringing in nominations. Mr. Heywood at this point arose, evidently intending to address the meeting; but he was at once declared to be not in order by Batch, who seemed to have suddenly usurped the powers of his office. Batch's motion having been seconded, he at once put it to vote and declared the motion carried. He then proceeded to appoint the committee to bring in the "nomination of Father Heywood for president," and nominations for other officers for the year ensuing. Judge Shurtleff was made chairman. Here Batch took his seat, and Judge Shurtleff, without a moment's delay, arose, and as chairman of the committee just appointed announced the nominations, with Father Heywood at the head as president and Uncle Harry Bingham and Mr. Benton as vice-presidents. Batchellor at once put the nominations to vote, and they were carried with a will. Father Heywood blushed like a schoolboy. His office and that of vice-presidents were the only ones carrying honors; the rest required some work, had no compensation, and no especial mark of respect.

This meeting being over in less than five minutes, and all other business for the afternoon session having been transacted, the members were thrown on their own resources for entertainment until the time for the banquet, which, owing to the fact that it was to be in the dining-room of the hotel, could not be served until after eight o'clock. Upon leaving the court house they realized that a heavy fall of snow was taking place. Snow was then twelve or fifteen inches deep, and was still coming; while there was indications of a rising wind which would heap the light, soft, floating mass into drifts and mounds which might delay travel. But who cared? Never does one feel so comfortable in doors as when a storm is raging without. The sense of security and protection which all experience, is ample compensation for the discomforts, which may later result in delayed journeys.

When Thorndyke had tramped through the snow to the hotel, had stamped his feet on the veranda, and swept the snow from his trousers, he stepped into the hotel office where an eighth of a cord of burning maple and birch was radiating light, heat, and comfort from a huge fireplace in the parlor. Supper was being served to such as wanted it in the adjoining dining-room; but the assembled attorneys scorned to diminish their appetites for the good things in store for them later, by yielding to temptation now, however hungry they might be. Some had gone to their rooms, but most were

gathered in groups of a half dozen or more located in various parts of the room; sometimes discussing abstract questions of law, sometimes telling their experiences with their cases, but more often telling stories and ancedotes. Great boys, gray-headed boys, but boys once more were they. Each called his neighbor by his Christian name. Personal dislikes were forgotten, old scores forgiven, while the attorney for the time being disappeared in the ever-pervading atmosphere of good fellowship.

Soon after Thorndyke had disposed of his outer garments, after entering the hotel, his attention was attracted by the orator of the day, to whose address he had just listened, a tall, white-haired, white-mustached, handsome gentleman of perhaps sixty-five years, whose erect figure almost suggested a military life, and whose dark kindling eye and animated face, fascinated, while he was entertaining a group of listeners including Father Heywood, Deputy Sheriff George M. Stevens of Lancaster and Clerk M. A. Hastings. It was former Lieutenant-Governor George N. Dale of Island Pond, Vt. Our young man joined the group and found that the subject of Dale's discourse was the late Hon. Thomas Bartlett of Lyndon, Vt., familiarly and affectionately called "Old Tom."

"Bartlett," said Dale, "in my opinion was the most accomplished advocate who ever practiced in this section. Others were his superiors in knowledge of the law and the application of legal princi-

ples; but I have never known the man who was his equal in addressing a jury. It is said that he was once opposed in an important case, in Vermont, to Rufus Choate, the famous lawyer of Boston; and competent judges who heard the two considered his argument quite the equal of Choate's. But of course the audience was made up largely of Bartlett's friends, and their judgment would naturally favor him."

The remark surprised the young man, for Governor George N. Dale, besides being a student and scholar, was an orator of first-rate ability.

"How long since Bartlett's death?" asked one of the group.

"Bartlett died at St. Johnsbury, Vt., in the fall of 1874, and he was then in his seventy-second year, so his life was practically contemporaneous with the first three-quarters of the century," said Dale.

"In his youth he was sickly, being affected with rickets," continued Dale. "It was that circumstance which made him a lawyer. His family were poor, and it is said that if he had been able to work he would not have had leisure for study; but being unable to labor, and possessed of an active intellect, he was afforded time to study law. He had no education except such as he acquired at the district schools, in which in those days only the elementary English branches were taught.

"Although sickly as a child, he grew to be a man six feet and three inches tall, with broad shoulders;

but he was never physically strong. His left side was weak and paralytic, and his left arm hung helpless at his side. At first thought this might seem a serious handicap in an orator; but it was not in Bartlett's case. His mind was eminently masculine. He had a strong, rugged, expressive face and his physical infirmities seemed to add dignity to his mental faculties, to exemplify the triumph of mind over matter. Nature gave him a peculiarly fine voice, one of the deep basses, clear, resonant and full, and he trained it with such care that it was as flexible as a singer's, and its modulations were always under perfect control. When uttering a passage which he desired to make impressive he would use the lower tones in a full orotund. He also used those same tones when he came to the point of a story, and with marked effect.

"He was a great reader of the Bible, and fully appreciated its literary merit. In fact, like Lincoln, Ruskin, and others who have taken their knowledge of English from that source, his diction and style were charming.

"Bartlett was once engaged in a case involving the validity of a tax assessment. His client had refused to pay a tax, had been arrested by the collector, and confined in jail; later he had paid the tax under protest, been released, and had then brought suit against the collector for false imprisonment. The collector pleaded the assessment of the tax and his warrant for its collection in justification. That

raised the question of the validity of the tax assessment. If it was a valid tax the collector was protected by his warrant; but if not, he was a trespasser and liable in damages.

"The amount of the tax was only forty-seven cents, and the defense were continually alluding to the smallness of the tax and otherwise trying by inference and innuendo to belittle the claim of the plaintiff. Being for the plaintiff, Bartlett made the closing argument, and I shall never forget his opening sentence.

"Rising to his full height of six feet and three inches, he paused a moment, and taking his withered left arm in his right hand brought it into a more comfortable position, and then, bowing deferentially to the Court, in a deep clear bass which penetrated every nook and corner of the room like a cathedral bell, he began:

"'Gentlemen of the Jury,' he said, 'the pecuniary amount involved in this transaction is very inconsiderable, but the principle, gentlemen, is one which underlies the whole superstructure of American jurisprudence: a principle, gentlemen, which was first enunciated in Magna Charta; a principle which was again reiterated in the Bill of Rights; a principle which was violated by that bloody, and licentious prince, King Charles the First; a principle, gentlemen, which has thrice deluged England with blood, and so lately plunged our own fair land in fraternal gore.'

"What a sentence!" said Dale. "In it Bartlett had gathered into one grand declamation the history of the struggles for liberty from Runnimede to Yorktown, and, like a giant hurling a huge bowlder, Bartlett had cast it at his opponents and overwhelmed them. There were Marston Moore, and Bunker Hill, Cromwell and Washington. The case had been lifted from a petty struggle about a few cents to a contest involving the principles of constitutional governments. Bartlett's client was no longer an obscure individual from a back country town, but the contemporary of Hampton, championing free government.

"I remember another time," continued Dale, "When Bartlett carried me off my feet by his eloquence. I had been employed by a widow to bring suit against the administrator of her husband's estate. My client had supposed that her husband had possessed considerable property; but, according to the administrator's account, there was little left for her. I investigated the matter, and became convinced that the administrator, though a man who stood well in the community, was trying to cheat her out of her share of the estate, that he was concealing some of the property, and not accounting for it. I objected to the allowance of his account, got him removed from office, had another administrator appointed, and a suit brought by the second administrator against the first to recover some funds which were in his hands, and which he claimed as

his own, but which we claimed was part of the estate.

"When it came to the trial I asked Bartlett to help. It was one of these cases where the evidence always proves better than is expected, and when we had the evidence all in, we had made out a pretty strong case. Bartlett made the closing argument. He commented on the evidence with wonderful skill. Each fact and circumstance was detailed in its proper order and its bearing pointed out. By the time he had completed his analysis of the evidence it must have been clear to everyone that our contention was correct. He then commented in his characteristic way on the motives and character of the man who would thus attempt to rob the estate of the dead, the widow, and fatherless, and he closed as follows:

"'I told my friend here,' he said, with a gesture toward me, 'that I would assist him in this cause, but I would accept no compensation. I shall, however, impose an obligation upon him. This earthly form cannot much longer endure; soon grass will be growing above a newly-made grave, while beneath the sod will repose all that is mortal of Bartlett. If, when I am gone, some robber in the guise of a friend shall have gained the confidence of my widow, and shall thereby attempt to defraud her of the small competence which I may have left for her maintenance in her declining years, I impose upon him the obligation to appeal to a jury of my country-

men for her rights as I have tried to appeal to you. He must promise to stand between her and any damned wolf in sheep's clothing, who, coming in the guise of a friend, seeks to devour her substance.'

"His words made such an impression on me," said Dale, "that before I knew it I brought my fist down on the table with a bang and exclaimed, 'By the gods, I will.'"

There was a short pause and then Governor Dale resumed.

"Bartlett," he said, "had a keen sense of humor. He appreciated to its full extent the power of ridicule, and no one whom it has ever been my fortune to hear could use it with equal force. I suppose you remember his tribute to Ray's magnanimity?" he inquired turning to Father Heywood.

"What was it?" inquired Mr. Heywood, thereby not answering the Governor's question, but inviting him to continue with his anecdotes.

"It was in a case where he and I were defending," said Dale, "O. F. Harvey, Esq. of West Concord, Vt. brought a suit for assault and battery against a client of mine. I prepared the defense, and when the case came on for trial, I got Bartlett to help me and Harvey got Ray. Harvey's client was a young, robust-looking man who, as the evidence disclosed, appeared to have acted rather as the bully of the neighborhood. My client was an old man, between sixty and seventy, and in very moderate circumstances. Honest poverty was written all over

him. His clothes were poor but decent, patched, but respectable.

Harvey's client had had an altercation with the old man's son and had threatened to chastise him. The old man warned him not to, and told him he would be sorry if he tried to do it; but the young fellow made a rush for the boy and as he did so the old man punched him with the end of his umbrella. I imagine he hit the young man in the region of the solar plexus, but at that time we did not know the pugilists' name for the tender spot in the pit of the stomach. Anyway the old man put the young fellow out of business, and, I always thought, to regain his lost prestige, the young fellow brought the suit and made a claim of foul play. But when the evidence was all in and the time had come for the arguments, it was pretty clear in the minds of the jury, I think, about how the parties really stood.

"Ray saw that he was probably beaten, but he determined to try and get a verdict for something, enough to save costs if he could; so he told Harvey that he would open for the plaintiff and give Harvey the close after Bartlett and me. Accordingly, all through his argument, Ray kept telling the jury that he didn't ask for millions of money; all he wanted for his client was simply just compensation; simply what was right, not millions of money. Constantly he reiterated the sentiment 'not millions, but just compensation.'

"Naturally I, being the junior, should have

opened for the defense, and Bartlett have delivered the closing argument; but while Ray was speaking, he touched me on the knee and asked me to let him 'spring in' after Ray, and, of course, I assented.

So when Ray closed, Bartlett arose, his rugged face as free from a trace of humor as that of a wooden Indian, and he proceeded in his most solemn manner.

He said that he desired at the outset of his remarks to pay a well-deserved tribute to the leading characteristics of his learned friend, the counsel who had just spoken for the plaintiff. He referred to his learned friend's magnanimity. "Mr. Ray," he said, "when a boy was noted for his magnanimity. He was always a magnanimous boy. And when he become a man, his magnanimity increased with his years. But never during the whole of his magnanimous career had his magnanimity shown as on the present occasion. He tells you, gentlemen, that he doesn't ask to recover millions of money out of my client.

"'If he should recover millions of money out of my client,' and Bartlett motioned toward the old man sitting beside us in the bar, with his homespun, home-made clothes with their darns and patches—'if he should recover millions of money out of my client,' and Bartlett's voice dropped to its lower register, and rung out a clear orotund like a church bell, 'he would seriously interfere with my client's rents and profits and,' dropping his voice a note or

two further he added solemnly and confidentially; 'reduce him to a state of comparative want.' "

"What," asked the Clerk Hastings, "was the verdict?"

"There could be only one verdict after Bartlett's argument," said Dale. "Of course our client was acquitted."

There was a moments pause and then deputy sheriff George M. Stevens broke the silence. Stevens was a merium-sized but strongly built man. His bold blue eyes and strong lower jaw proclaimed him to be a person of decision and of action.

"I," said Stevens, "am a victim of misplaced confidence. I find that I have too trusting and confiding a nature for the sheriff business, and if the high sheriff wants my resignation, he can have it at any time and at once." Stevens said this with a look of dejection on his face and in a tone bordering on despair.

A look of surprise came over the faces of all present, for Stevens had always been considered a very efficient officer, the terror alike of criminals and delinquent debtors.

"Who's been getting the start of you?" asked Father Heywood in astonishment.

"Some prisoners I had over to the Mount Pleasant in Carroll" said Stevens with the same air of dejection. "There were an old man and two girls; a gray-haired and venerable old man; but alas, I neglected to chain him to a pillar, and so the whole

outfit, like Catline, have gone, departed, escaped, torn themselves away; or to speak in plain United States, they "'skeedaddled.'"

"What were they arrested for?" continued Father Heyward.

"Keeping a disorderly house," said Stevens bitterly.

Stevens sighed and continued:

"It was this way: Last spring, about the last of May or first of June, Jordan called me over to his office and gave me for service a complaint against some parties over in Carroll, and the next morning I went after them. There was a complaint against one James McLellan for keeping, and one against Daisy McLellan his daughter, and Mary Gillis, his niece, for being inmates of a disorderly house."

"What made you let them get away?" said Father Heywood.

"Natural goodness of heart," said Stevens. "As I said in the first place, I am of too confiding and trusting a nature for the sheriff business. It is because of goodness of heart that I failed in my duty."

"It's no fool of a job either, to go over there when the trains are running on their winter schedule" he continued. "It's not much as it is in the summer, when a dozen express trains a day are running to accomodate the mountain travel. On the winter schedule you leave Lancaster about seven in the morning and make fair progress till you get to Wing Road; but from there on it's a mixed train and

you do well if you get to the Mt. Pleasant in Carroll by noon. It was a little past noon the day I got there.

"What is the Mt. Pleasant?" asked Thorndyke.

"Haven't you ever heard of the Mt. Pleasant Hotel?" said Clerk Hastings. "It's a summer hotel, near the base of Mt. Pleasant, one of the lesser mountains a little southerly of Mt. Washington. It is not far from the westerly entrance of the Crawford Notch."

"How far is it from Lancaster?"

"About thirty-five miles, I should think."

"The Mt. Pleasant wasn't opened then, was it?" inquired Father Heyward.

"No," said Stevens, "but the cottage was, and I got dinner there," (Most of the mountain houses are open for business only from about the first of July till the first of October; many of them have farm houses or a cottage where the resident manager or superintendent lives through the year.)

"As soon as I got my dinner, I started out after the old man and the girls," continued Stevens. "It's some two or three miles from the Mt. Pleasant to the Crawford. The Crawford, as you know, is at the very westerly end of the Notch. There is a carriage road from the Mt. Pleasant all the way up there. As you go toward the Crawford you come to Holmes' store, and back of it down over the bank on the head waters of Ammonoosuc is Holmes' mill. Did you ever see Holmes?" asked Stevens abruptly.

STARR LAKE. MT. WASHINGTON IN DISTANCE

Some had and some had not, so Stevens continued.

"Valorous R. Holmes is his name,—V. R. Holmes. He is a great big two-fisted man, must be about six feet tall, and very broad-shouldered, must weigh as much as three hundred, I should think. V. R. has a voice like a fog horn, and he'd rather fight than eat. In the winter-time he is about all the law there is out there, he and Jim Caughlan, and they are about all that is needed too, I guess. If a man won't do about right the best thing he can do is to get out. He's better have the devil after him than Holmes. V. R. was counsel and tried the case for the State after we had got the prisoners, and tried it well too.

"A little way beyond Holmes' store toward the Crawford is the boarding house where Holmes boards his mill hands, and about a quarter of a mile beyond is a little old, unpainted house of probably five or six rooms, where the old man and the girls lived. I went to the door and rapped, and one of the girls came out. She was a rather simple-looking thing, but if tidily dressed, she would not have been bad looking; she was the old man's daughter. I inquired for her father, and the old man came out and invited me in. When we got inside I took out the complaint and says, 'I have got a complaint against the whole of you on a pretty serious charge; and,' I says, 'it is my advice to you not to say anything, because;' I says, 'anything you say in your

own behalf won't do any good, and every admission you make will be taken against you; so;' I says, 'the best thing for you to do is to keep your own counsel and say nothing.'

"That was right, wa'n't it?" said Stevens, addressing the question to Father Heywood.

"Yes," said Father Heywood.

"I thought so," said Stevens and he continued with his narrative.

"'I hain't done nothings," says the old man.

"'Nor I nuther,' says the girls, "Well,' I says, 'if you will talk, I suppose you will, but you remember what I said.'

"Won't you read the paper?" says the old man's niece. She was a little older than his daughter and carried the brains of the outfit.

"So I read it to them, and I tell you if I do say it, I read it solemn."

"What you going to do with us?' says the old man.

"'Well,' I says, for I wanted to use them fair; wanted to do by them as I would want to be done by in the same circumstances you understand. 'Well,' I says, 'there is only one thing for you to do: you've got to go before a Justice of the Peace and either plead guilty and be put under bonds to appear at the Supreme Court, and if you can't get bail, go to jail and wait for the October Term; or; I says, 'you can plead not guilty and have a hearing.'

"What if the justice finds against us?" asked the old man.

"'You will have to find bail or go to jail,' I says.

"'Ain't Mr. James Caughlan a Justice of the Peace?' says the Gillis girl.

"Know Caughlan any?" said Stevens, turning to Father Heywood.

"No," said Father Heywood.

"Well," said Stevens, "he is a man forty-five to fifty years old, I should think. He lives there and looks after the Mt. Pleasant winters, and runs the stable summers. He's got a wife but no children; she has charge of the chamber work summers and keeps house at the Cottage winters. Jim is a Justice of the Peace and he and Holmes sort of divide matters between them—work together like."

"'Yes,' I said to the old man and the girls, 'Jim is a Justice of the Peace." The whole family brightened up a good deal at that and the Gillis girl asked if they couldn't have a hearing before him."

"'Yes,' I said, for I wanted to use them fair. 'It was you, wa'n't it,' addressing Father Heywood, 'that told me once that it is almost as important that folks should think that they had a fair trial as to have one?"

"Perhaps."

"'Well,' said the Gillis girl, when I told her that 'we'll have a hearing before Mr. James Caughlan.'

"So we arranged it that way. There is a schoolhouse handy, so I told the prisoners to be there in a half an hour, and I went and hunted up Caughlan and Holmes and by three o'clock we were all at the schoolhouse ready to start in.

"We had quite an audience too, for all of the millhands that could get away from Holmes' mill were there and it filled the schoolhouse up pretty well.

"After everybody had got settled down, the Justice, James Caughlan, made the old man and the girls stand up while he read the complaints. They all pleaded not guilty and then Holmes put in the evidence for the prosecution. The main witness was Tim Fitzgerald, Holmes' foreman at the mill. He testified that there was some kind of a jamboree going on at the old man's about every night; that if you went by there most any time between seven at night and four in the morning you would hear some kind of racket; that most of the boys at the mill went there more or less; that several times during the past winter there had been drunken rows at the old man's and once or twice he had gone down there to stop a fight.

"Asked about the girls, he said they seemed to be very affectionate, should think they had very loving dispositions, seemed to like all the fellows, and one about as well as another, had been there once or twice and then he saw the girls sitting in some of the boys' laps, and the girls didn't seem

to care which one it was, or who knew it; said that they evidently were anxious about their personal cleanliness, for after the water got warm in the spring, the girls used to go up to the head of the millpond, not more than thirty rods from the mill, in broad daylight, while the mill was running, and in plain sight of the men in the mill undress and go in bathing. There was other testimony of the same character from some of the older mill men.

"When the testimony was all in Caughlin asked the old man if he had any evidence to offer, or anything to say in his defense.

"The old man got up and said, 'Your Honor, I kape a dacent house, and there's none kens it better than yersel, for mony's the time ye been there, and did ever ye see an ondacent thing?'

"What did the Justice say to that?" asked Father Heywood solemnly.

"Nothing," answered Stevens sadly. "Why should he?"

"To be sure," thought Thorndyke, "why should he?"

"After the old man had had his say," continued Stevens, "Holmes had his say."

"Holmes said the old man's establishment had been a disorderly house all winter and everybody knew it, but still they had hated to make him any trouble while the snow was on the ground. Now spring had come and the old man and the girls had got to get. Holmes seemed to forget that he was

talking to a court of Justice. You would have though to have heard him that he was talking to his mill hands and laying down the law to them.

"I wondered what Jim would say when it came his turn, and I thought the Gillis girl looked at him pretty straight, but Jim did himself proud. Jim said it was true he had been friendly with Mr. McLellan and had been in his house occasionally, and he would say that he had never seen anything out of the way; but he said he didn't quite approve of girls going in swimming in sight to twenty-five or thirty men. They might not mean anything by it, he said, but he was afraid it wouldn't look well when the summer company began to come. He was afraid city folks wa'n't used to quite such 'rustic simplicity.' They might take a bad meaning out of it. It was too Arcadian, etc. I don't know as Jim used these words, don't think he did exactly, but that was the idea; and so he said he should have to find them guilty."

"What became of them?" asked Father Heywood.

"They got away," said Stevens, "and that's where I blame myself," and Stevens sighed and looked sad.

"There wa'n't any train home till morning, but there was a train to Portland that afternoon about six o'clock, and it was then about four. I wanted the old man should get bail, for there were a half dozen more in jail already, and that is about all it

will hold, and besides it isn't a very good place for women anyhow, so I took them out one side and told them to get bail.

"I said to them, 'now,' I says, 'I have got confidence that if I give you a chance to get bail you won't skip out. There is a train going to Portland at six o'clock,' says I, 'and if you wanted to be mean, of course you could take that train and skee-daddle, but I don't think you would be so mean as to skip out; but,' I says, 'you must make a big try to get bail, for Lancaster jail is a pretty tought place to stay in, and the jailer is a fiend incarnate, when he's mad, which he is most of the time.'

"'Now,' I says, 'if I thought you'd skip out, I wouldn't do it, of course, but I don't think you would be so mean as to leave me in the lurch that way. Now, I don't know you folks, but you look honest and I shan't ask you to make any promises, because I don't think you would skip out anyway. Now,' I says, 'I want you to get bail, for it will be a long time from now till October in Lancaster jail, so go and hunt up your bail, and don't skip. I shan't be at the station when the six o'clock train for Portland goes,' I says, 'for I don't think you would skip out if you could; so get bail, or be ready to go with me to-morrow morning, and don't skip.'"

"And that," said Stevens, "was the last I ever saw of them. As near as I can find out, they went home, and after all I had said and done for them, they set to and packed up everything they had that

was movable, got it to the station, put it aboard the six o'clock train and went to Portland. And that's what comes of being good-natured and trying to use such folks white," and again Stevens sighed and looked sad.

"I don't see why you need to feel bad about it," broke in our hero. "What if they did get away? Wa'n't it just as well as it would have been to have kept them in jail all summer, and perhaps have had them settle in Lancaster when they got out?"

"Do you think so?" said Stevens, his face brightening for the first time.

"Of course," said our hero, enthusiastically, and he would doubtless have expaiated further on the subject, but audiable manifestations of amusement attracted his attention. Looking around he saw the company quietly laughing, evidently at him, and he stopped short.

"Why couldn't I have thought of that?" asked Stevens as though in astonishment. Then for the first time it dawned upon the mind of our hero that Stevens had planed from the beginning to lose his prisoners in the way he had, and that he had executed his plans with artistic skill and our hero reddened to the roots of his hair.

"I should not have though it of you, George," said Father Heywood solemnly.

"You get some funny experiences in a Justice Court, don't you?" said Clerk Hastings. "I suppose," continued he, "that you have all heard how

the Justice of the Peace sat down on Father Heywood when he was a young man and appeared for a man accused of arson." *

Thorndyke learned afterward that this anecdote was one of the classic legends of the Coos County Bar, repeated with becoming solemnity and reverence on state occasions, and always listened to with interest and appreciation.

No reply was made till finally our hero, who had been discomfited by Stevens' question, ventured the observation that he had not.

The others still remaining silent, Hastings evidently considered their silence as an invitation to proceed, and did so as follows:

"The story is that when Father Heywood was a young man and in practice over in Vermont he was employed to defend a man arrested for arson. The

* Arson is defined by Lord Coke to be the malicious and voluntary burning of the house of another by night or by day. The penalty fixed by the statute of Vermont, is imprisonment for life or a shorter term, at the discretion of the court. The offense is beyond the jurisdiction of a Justice of the Peace to try and determine. All a Justice can do on complaints for this offense is to determine if there is sufficient evidence to warrant binding the prisoner over for appearance at the County Court, and to fix the amount of bail. Where an indictment is found, a trial is had by jury, and if a verdict of guilty is rendered a sentence is imposed by the judge of the County Court. A sentence which a Justice of the Peace might attempt to impose would be utterly void. It would not be a protection even to an officer who tried to enforce it; but he would be liable to an action for false imprisonment if he restrained anyone of his liberty in pursuance of such a sentence.

allegation was that he had set fire to a neighbor's house, and he was brought before a Justice for his preliminary hearing. Father Heywood attended the hearing. He believed that the State had enough evidence against his client to warrant binding him over; and his only object in requiring the State to put in its evidence was to find out as much of their case as possible; and he supposed he would be heard on the amount of bail which he expected would be required.

"The Justice was a new man, had received his commission only a short time before, and had notions of his own as to how a Justice Court should be conducted. The prosecution put in its case and Father Heywood took as full minutes as he could, but asked no questions. When the prosecution had finished with the first witness and Father Heywood made no cross-examination, the Justice suggested to him that this was a pretty important matter for his client; and inasmuch as Heywood did not cross-examine the witness, he himself would; but Heywood had better cross-examine the rest. Heywood assented and the Justice cross-examined. Heywood declined to cross-examine the second witness, and the Justice felt called upon to again admonish him of the gravity of the proceedings.

"'You must remember, Mr. Heywood,' he said, 'that your client's liberty is at stake, and that he is entitled to every fact that can be elicited in his favor; however, since you are bashful, I will cross-

examine this witness also,' which he proceeded to do.

"When, however, the third witness was called and Heywood said he did not care to ask any questions, the Justice's patience was exhausted.

"'Why don't you do something?" he said, 'cross-examine, object, or do something, and not sit there like a blamed *nudum pactum.*'" *

"But Father Heywood maintained the course he had determined upon, and declined to cross-examine, whereupon the Justice cross-examined the rest of the witnesses, and paid little attention to Heywood for the remainder of the trial.

"When the evidence for the State had been all put in, Heywood thought it sufficient so that the Justice would, in all probability, hold his client for the Supreme Court, and so he didn't put in any evidence or make any argument.

"Whether the State's counsel made an argument or not I do not know, but I presume he did not think it necessary.

"When it came time for the Justice to render his decision he called upon the State's counsel to point out to him the section of the statute under which he was proceeding, and it having been shown to him, he called upon the prisoner to rise and receive the judgment of the Court. The prisoner stood up and the Justice proceeded substantially as follows:

* A nudum pactum is a term not now much in use; but in the law of contracts it signifies an agreement for which no consideratiou has been given, and is consequently of no binding force or effect.

"'You are accused of the crime of burning your neighbor's buildings. It is needless for me to say to you that it is a very serious offense, and one that deserves and receives severe punishment at the hands of the law. The maximum penalty provided by the statute is imprisonment for a term not exceeding your natural life. You have been represented by counsel and the Court has, himself, conducted such cross-examinations as he has thought might be beneficial to you. The Court is bound to presume that such proofs as might be adduced in your favor have been introduced by your counsel so far as they exist. The Court is satisfied of your guilt beyond a reasonable doubt. You are, therefore sentenced to imprisonment at hard labor in the state prison at Windsor in the County of Windsor for the term of twenty years, to pay costs of prosecution, and to stand committed until this sentence has been performed.'

"This action on the part of the Justice was such a surprise to Mr. Heywood that he made no objection until the Justice had pronounced sentence, when he sprung to his feet and exclaimed:

"Why, you can't sentence this man in that way! Why, this Court can't do that!'

"But the Justice was equal to the occasion. 'Sit down, Mr. Heywood,' he commanded sternly. 'Sit down, sir; this Court has done it.'"

After the merriment created by the anecdote had subsided, Father Heywood said solemnly, "I have

got through denying that story. I have found out that it is not safe for me to do so; the last time I did it I wished I hadn't."

Questioned as to his reasons he continued: "My wife was always an admirer of our friend Governor Dale, here, and at one time the Governor came to Lancaster and delivered a political speech. As he is a Republican and I am a Democrat, I do not think I should have gone to the meeting, but my wife wanted to go; and so I told her that I would go to the hall with her, then go to my office, and after I had got my mail and read it I would go to the hall, and be ready to go home with her after the meeting. We did so, and when I reached the hall, Dale was in the midst of his speech. He was telling this story. My wife set pretty well to the front in the middle of the hall and I went up to sit with her. Just as I got up to my seat, Dale finished the story, and I stopped and before I sat down I said, 'There ain't a word of truth in it. There ain't a word of truth in it,' and then I sat down.

"Of course it was a complete surprise to Dale to have a contradiction come so flat as that; and it staggered him for a minute; but his Irish wit came to his rescue and he said, 'that must be so if you say so now, Father Heywood, but it was you who first told me the story.'"

"And," said Father Heywood, "I have never denied it since."

It was now nearly eight o'clock. The regular

guests of the hotel were leaving the dining room; and the servants were about closing the doors preparatory to setting and arranging the tables for the banquet, while fragrant odors from the kitchen floated out to where the assembled lawyers were convened. Man is a very brutish sort of an animal after all; and an empty stomach and the smell of food make him uneasy and restless like his wolfish brother of the forest. As a consequence, small groups of men would meet, relate experiences, or discuss questions of interest, perhaps express astonishment at some unexpected legal theory recently propounded by the Supreme Court, which among themselves they seemed ever ready to criticise, albeit with a certain deferential reverence, and then after a few moments the group would break up and its members form new combinations or wander aimlessly about the hotel office.

When Father Heywood had explained why he should never again deny stories about himself, he arose and the group broke up. On the whole Thorndyke was not sorry, for he had had an uncomfortable feeling ever since he had made himself the subject of amusement by his innocent attempt to cheer Stevens for the loss of his prisoners. Consequently he betook himself like the others to wandering about the office.

While thus engaged he encountered Batchellor of Littleton.

"Hello, Batch," said Thorndyke. "It is quite a

time to wait till nine for your supper when you are not used to it, isn't it?"

"Yes."

"I see Uncle Harry Bingham is here."

"Yes, you could not hire him to stay away."

"What do you consider the most important case he ever tried."

"In the law court, do you mean?"

"Yes."

"Oh, some of the railroad cases between the Concord Railroad and the Boston & Maine undoubtedly had the most money involved. Some of those cases really involved millions; but I think the case that he took the most interest in was Bowles v. Landaff, reported in the 59th N. H."

"What was the question in that case?"

"It was a very interesting question. Back in war times the town of Landaff, in order to fill up its quota of enlistments, voted to pay its volunteers a bounty of one thousand dollars each. Relying upon this vote, Bowles and a number of others, some eight or ten in all, enlisted and were accredited to the town. The bounties were not paid at the time, and when the war was over, the town didn't seem to be as anxious about the matter as it had when the vote was passed, and no board of selectmen would take the responsibility to pay. Bowles and the others consulted Harry. It was a welcome opportunity for him, for, as a partisan Democrat, he had opposed the war; so he brought suit against the

town. Interest and all, the claims amounted to some twenty-five thousand dollars, if I remember right.

"It was before Judge A. P. Carpenter had been appointed to the bench. We all know what a good lawyer he is. There was no dispute about the facts, so it was purely a question of law.

"All the opinions were by Chief Justice Doe. When the first one was rendered, Harry moved for a rehearing. It was granted, and he made so strong an argument against the positions taken by the court, that they withdrew the first opinion and handed down another. It was still against Harry, but it based the decision on entirely different grounds. Harry, addressing the court, again moved for a rehearing. 'The case has already been reheard once, Mr. Bingham,' said Judge Deo. Harry has practiced so long and knows the judges so intimately that he says things to them that they wouldn't tolerate from you or me, so when Judge Doe said what he did, Harry answered, 'I know that, your honors, but I intend to move for rehearings until the Court comes down twice in the same hole! 'Rehearing granted,' said Doe.

"He argued it again, but he couldn't drive them out of that opinion, and it's the one printed in the reports."

"Uncle Harry has been a regular old war horse, hasn't he?"

"He is now," replied Batchellor. "There never was a time in his life when he could make a better

argument than he can to-day. But for all that he is so brainy a man in some ways, in others he is as simple and easily managed as a child.

"A year and a half ago or so, just before the last presidential election, our brass band down at Littleton took a new start, hired a man from outside to come in and take the management, rehearsing about every night, and were able to render some quite difficult music. They advertised a band concert and both Mitchell and I planned to go and take our wives. We had bought tickets and had everything arranged, as we supposed.

"Late that afternoon Harry begun to work on a brief of the law, in a case he was getting ready to argue, and when he does that he wants Mitchell or me within call. It's 'What did the court say in such a case, Batch," and 'Look up the opinion of the court on such a case, Mitchell; and so it goes. And when he takes up a question he will not drop it till he gets it hunted out, if it takes till morning.

"When we were ready to go home for supper, Harry said to us, 'Come down this evening, boys, and we'll finish this brief.' Then of course we knew we were in for it. We should n't have cared much if it hadn't been for our consorts, but we knew that both of them would be disappointed and we talked it over on the way home. We determined to get away from that brief if possible.

"After supper I told Harry that there was a band concert that evening and we had planned to go.

"'Do you and Mitchell play in the band?" inquired Harry, in a tone of rather distinct sarcasm.

"We resumed our work and soon Mitchell tried his hand. Harry's principal diversion is politics. If he doesn't carry the town Democratic, something extraordinary has happened. So Mitchell begun in an indifferent manner.

"'The band boys are not feeling very friendly toward the Republicans this year,' he said.

"That attracted Harry's attention immediately.

"'What's the reason for that?' asked Harry.

"'They wouldn't contribute as much as they ought toward getting this new fellow for a leader; and they say Capt. Farr, Henry Green, and Ira Parker are not going to the concert.'

"What did we contribute, anything?'

"'I subscribed fifteen dollars for the firm,' said Mitchell.

"'That didn't relieve the situation, as Harry felt that the contribution was adequate. I saw that we must take another tack. I casually remarked that it was singuilar that the Republican chiefs should boycott that band for the reason they assigned.

"'What is it?' asked Harry.

"'They say,' I replied, 'that the band didn't play as well at the Republican meetings as it did at the Democratic.'

"Harry was mad! He arose slowly out of his chair, stood over me with his eyes blazing, and his coat sleeves pulled up. "It didn't play as well at

their meeting as it did at ours!' he repeated. 'Good God! How could they?'

"'Of course you and Mitchell are going to the concert,' he continued.

"I don't see how we can to-night. We must get this brief into the hands of the printers as soon as we can.'

"'I will work it out alone,' said Harry, 'I can do as well by myself when I am not being interrupted.'

"'I don't know that we ought to leave you this way, Judge.' I answered.

"'Oh, I'm all right. You and Mitchell go. Take your wives. If you want your friends to stand by you, you must stand by them. Now you boys want to nail that to the wall.'"

"And so," said Batchellor, "we attended the concert."

Again the fragrant odors from the hotel kitchen smote the nostrils, whereupon Batchellor and Thorndyke moved uneasily, and finally separated. Thorndyke like the others moving aimlessly about the hotel office and parlor.

At length, a commotion might have been discovered near the dining-room door. Hon. B. H. Corning of Littleton, Sheriff of Grafton County and John T. Amey, Sheriff of Coos County, were forming a line of march. First were Judges W. H. Shurtleff, who had been elected as toastmaster, and Father Heywood, President of the association, then

the two vice-presidents, Uncle Harry Bingham from Grafton County, and Hon. Jacob Benton from Coos, next the more prominent lawyers in attendance including some who were visitors; Governor Dale of Island Pond, Vt., the orator of the day, Judge Edgar Aldrich, Judge Ladd, Ossian Ray, Chester B. Jordan, Irving W. Drew, Henry O. Kent, B. F. Whidden, J. I. Williams of Lancaster, Gen. A. S. Twitchell and A. R. Evans of Gorham, E. J. Smith of Woodsville, Alex. Dunnett of St. Johnsbury, and many others.

At length the dining-room doors opened and the company preceded by the sheriff of the two counties, march into the dining-room to the music of a small orchestra stationed within.

Thorndyke was assigned to a place at the foot of the table with the other young lawyers and a few law students, for the old-time practice of studying law in the office of a practicing attorney had not then become entirely obsolete in Coos Co. Among the students near him were Geo. F. Rich and J. Howard Wight, both of whom had entered Cook's office in Berlin. Another was William H. Paine, then a student in the office of Gen. Gilman Marston of Exeter, N. H., but a native of Berlin and at home on a visit.

Still another was Jesse F. Libby, then a student in the office of Gen. A. S. Twitchell, of Gorham.

Among the young lawyers was Arthur F. Odlin, who had taken his entrance examination in the same

class as Thorndyke. He had subsequently located in practice in Florida, but at that time was in New England on a visit.

Another to occupy a place at the foot of the table was Fletcher Ladd, then just admitted to the bar, the brilliant and scholarly son of Judge W. S. Ladd. Here too, was seated Geo. F. Morris, who had just become a student in the law office of Smith and Sloan at Woodsville.

To this same location were assigned the deputy sheriffs, among whom were Lewis N. Clark, Walter Drew and H. B. Hinman, whose acquaintance the reader has already made.

Clerk Hastings, though older than the others near him, occupied a seat at the foot of the table.

As the guests opened their menu cards the folding doors leading from the kitchen opened; and about a dozen young women dressed in white filed in. Deploying on each side of the doors, and equipped with trays, at a signal from the head waiter, a man in a dress suit, they charged down upon the assembled lawyers, and deposited in front of each, a plate upon which was a half-dozen Blue Points on shells imbedded in ice, while in the center of each plate was a quarter of a lemon.

In front of each plate a glass of water and three empty wine glasses had been placed; and while the young women were depositing the plates of food the head-waiter and an assistant filled one of the glasses with claret.

The late Sancho Panza is accredited with an apostophy to sleep as follows: "God bless the man who first invented sleep" with equal fervor we would exclaim: God bless the man who first invented hunger and thirst and the method of satisfying them. All hail to a sharp appetite and a hearty meal.

The oysters were soon disposed of, and then came soup, while the fish was served as the third course. With the fish a second wine-glass was filled with sherry, while with the fourth course, the roast, champagne made its appearance. It was the occasion of our hero's first acquaintance with champagne, and he tasted the beverage with much curiosity.

At this point in the proceedings while the dishes with the fragments of the roast were being removed, it became apparent for what purpose Clerk Hastings and his associates had been assigned to their positions at the foot of the table, for at a signal from him, eight hearty male voices broke out with the rollicking old song:

> **"Come landlord, fill the flowing bowl,**
> **Until it doth run over,**
> **For to-night we'll merry, merry be,**
> **To-morrow we'll be sober."**

Among Clerk Hastings' band were two young men from Concord, brothers, by the name of Allen and Henry Hollis. They, like Thorndyke, had been but recently admitted to practice, and having but a

short time before graduated from Dartmouth, they with Buckley, added somewhat of emphasis to the song, by what may be supposed to have been a parody on the Dartmouth yell. It was blood-curdling when rendered with a bang of knives on the table; but apparently was harmless.

Nor was the singing confined to Clerk Hastings and his choir. All joined. Even Father Heywood at the head of the table was not made dumb by the snows of eighty winters, but mingled his voice with the others.

Why should a man be old because of many years? or sad because standing in the shadow of the sepulcher? Die sooner or later, we all must: then why wail at the inevitable? Moreover, though the purpose for which we exist may seem obscure and unknown to many of us, can we think that we alone of all the universe are the result of no cause, fragments beyond the chain of cause and effect which elsewhere pervades the universe? No, we too are but links in the great progress of which we know neither beginning nor end, but into the short space of whose lives experiences of marvelous interests are crowded.

But Thorndyke's thought were not long employed in contemplation of the mysteries of existence. As has been said, it was the occasion of his, Thorndyke's, first introduction to champagne. It seemed like a pleasant and rather harmless beverage, and he drank it quite freely. To him it suggested a mild

variety of hard cider which had been carbonated. Yes, champagne was to hard cider as appollinaris water to brook water. Why couldn't hard cider be employed in the same way by being impregnated with gas and served from a soda fountain? Great scheme! He even confided his thoughts to his next neighbor, and suggested that there might be millions in it. But his rather lavish use of the beverage of the grape did not escape the notice of some of the others, and, without his knowledge, instructions were given to the head-waiter to keep his glass always full.

And so the banquet progressed, interspersed occasionally by a selection from Hastings' choir, a college song being rendered more often than any other, until all of the courses had been served, when cigars were lighted, and Judge Shurtleff, having been introduced as toast-master, by the president, Father Heywood, he arose and opened the post-prandial exercises.

"Everywhere," he said, "when men congregate for a purpose, their conduct is regulated by certain rules of procedure, which, for want of a better or more comprehensive term, I will call the rules of the game. Applying that assertion to the exercises before us, the drinking of the toasts which have been assigned to the various speakers, I think it fair and right that I should begin by publishing the rules of the game. I have already intimated that some of our members would be called upon to respond to

various sentiments; and I desire to say that it is a rule of the game here that no one shall talk upon the subject which has been assigned to him, but he has the range of the whole remaining universe.

"To illustrate. Let us suppose that the subject assigned was 'Cicero, the first lawyer of ancient Rome;' now I think a proper illustration for that toast would be this anecdote.

"I take it for granted that we are all familiar with what may be called the national beverage of our French Canadian neighbors across the border; Canadian high wine, whiskey blanc, or white whiskey, as it is called in French. It is a variety of alcohol approaching cologne spirits in purity, and when sufficiently reduced by the addition of water is a wholesome drink as alcoholic beverages go. Of course the amount of water to be added depends somewhat upon the taste or fancy of the individual, the light drinker will add seventy-five per cent of water perhaps, while the toper may add only twenty-five per cent, or even less. Generally, however, the water has been added before it has been considered fit for beverage purposes. After it has been thus reduced it goes by the euphonious name in English of 'split.'

"When the Upper Coos Railroad was completed the owners, George Van Dyke, Charles Sinclair, Major Drew, and others, thought it would be fitting to celebrate the event by a banquet at Colebrook. Accordingly a banquet was had at which the fore-

men and contractors who had worked on the construction were present. Van Dyke as president procured the drinks, and he had a supply of champagne.

"Among other guests was a French Canadian by the name of Joe Roby, from Paquetville, a station on the line of the railroad just over in Canada. Joe's name, I fancy, is really Robespierre, but Joe or his neighbors evidently thought it necessary to take 'Yankee name,' and so he is known as Roby. Joe, by the way, is something of character. He is a bright man; but his use of English is somewhat influenced by his more frequent use of French.

"For instance, one day in the fall he appeared on the streets of Colebrook with a pair of ponies that would weigh, perhaps, seven hundred each; and he let it be known that he was out to swap horses. He would trade the two for one heavy draft animal. 'But they are so small they ain't good for anything, are they Joe?' said one of his prospective traders. 'Ho! I guess boos (both) of it mak pretty good one,' was Joe's reply.

"At the banquet Joe sat nearly opposite to Van Dyke, and George noticed that he seemed to enjoy the supper. In particular there was some lobster salad near him that Joe made love to, helping himself liberally several times. After cigars were brought in Van Dyke thought he would like to get Joe's ideas of the affair, so he began a conversation with him.

"'Pretty good spread, isn't it, Joe?' he said.

"'Yes, Misser Van Dyke, she's the greatest grub I never seen befor in hall ma life,' said Joe.

"'What do you think of the drinks?'

"'Waal, George, she's great spread. Everyting ees good as she can be. By gosh, I heat so much I mos bust meself every tam I turn myself on de chair.'

"'What about the drinks?'

"Everee ting, she's good for heat. Harsh,' and he pointed to the remnant of lobster salad, 'by gosh, she's fine, magnifican, bravo! George, I'm poor man ma self. I give fiftee dollair, quick as nevair was, me hole ooman mak harsh same's dat.'

"'Yes, I know about the hash, but what about the drinks?'

"'Waal, Misser Van Dyke. I'm poor hole Franchman, no spik the good anglaise. Hole ting, she's what you call, *tres bien*—Harsh, she's s——'

"'Yes, I know; but you haven't said a word about the drinks. What about the—drinks?'

"'Now, Misser Van Dyke, what for you want mak foolishness with poor hole French man same's me, what can't spik no good anglaise.'

"Van Dyke usually gets what he goes for."

"'What about the drinks?' he demanded, in a manner that required an answer.

"'Now, Misser Van Dyke, what for you spik dat to poor hole French man. I no want tor mak the bad respec to you, Misser Van Dyke. Everee ting she is firs class, harsh she's——'

"'What about the drinks?' demanded Van Dyke, in a tone and with a gesture which brooked no delay.

"'George, you want know bout dam drink,' said Roby, getting a little angry. 'Bigosh, hi tole you all about dam drink. Yes, sir. Pardon, Excusee me. Hi poor hole Frenchman will spik bout dam drink. Hi tink, George, bigosh, your high-wine too dam much radduse.' [reduced]."

Having given this illustration of the rules which he had annnounced, Judge Shurtleff, with a number of witty and facetious remarks, called upon Hon. Harry Bingham to respond to the first toast.

But it is not our intention to try to reproduce all of the sparkling sayings which emanated from the jolly company. Many of them were of such local and personal character that they would not be appreciated by the general reader without an amount of explanation that would often obscure the point of the jest. Besides, we have to rely mainly upon Thorndyke's memory; and that is faulty in the extreme, for he often found himself meditating upon the carbonated hard cider, soda-fountain idea, whereby his attention was somewhat distracted from the exercises. However, there were a number of anecdotes that he hemembers with considerable distinctness, some of which follow.

As Judge Aldrich had practiced law in Coos and Grafton counties for many years, and had only been recently appointed Judge of the United States

District court for the District of New Hampshire, his former associates were perhaps naturally interested and curious to know how one feels when he had been elevated to the Bench, and he was asked to respond to the sentiment "The United States District Court."

Judge Aldrich said that he with two other judges had recently been called upon to pass upon an application for the reduction of bail in the case of Asa P. Potter, formerly the president of the Maverick National Bank in Boston. Potter had been indicted by a Federal grand jury for an alleged offense against the National Bank Act, and his bail fixed at fifty thousand dollars. Upon hearing the petition, bail was reduced to twenty thousand.

"That evening, when the decision was made public," said Judge Aldrich, "as I was going to my hotel in an electric, a man on the seat beside me was reading an evening paper, and he seemed very much excited. Finally he turned to me and said, 'Have you seen what those blamed judges have been doing?'

"What judges?" I asked.

"'The judges in the Potter case,' he said. 'I believe they have been bought up. They cut his bail from fifty to twenty thousand, and the paper says he's going to get it and get out of jail. I tell you 'tain't right. If Potter had been a common kind of a feller like you or me, he would be doing time before this.'"

Still another to respond to a toast was Batchellor of Littleton. In the course of his remarks he had occasion to illustrate the point of his discourse as follows:

"I have a client," he said, "by the name of Adams M. Poor. He is a man of original notions, and he lately paid me the compliment of telling the extreme and exact truth. A case that was on trial at Lisbon involved the value of a horse. My client had sold a horse, which the defendant admitted was all that it had been represented, so far as serviceability was concerned; but he claimed that it was deficient in style. In the course of my argument I had occasion to remark on the comparative value of serviceability and style, and of course I maintained that looks were not of much account. Add tells it this way. He says, 'Batch was telling about that old hoss, and he said if looks was what counted it would go pretty hard with some of us. Why, Batch said, and he looked cross-eyeder than never, if my business depended on my good looks, I should starve to death inside of a week. That,' said Adams, 'in my opinion was about the frankest statement of plain fact I ever heard.'

"Poor was the principal figure in another episode. He had trouble with a neighbor by the name of Ames. They were both farmers and their lands and buildings were on opposite sides of the same highway. Their dooryards were also contiguous.

"The trouble began about a highway tax. Ames

was collector and Poor claimed that he made a trade with Ames to work it out, while Ames denied the claim. Poor wouldn't pay it, and Ames wouldn't work it out.

"Finally Ames determined to collect the tax in money. One hot morning, he came over to Poor's dressed in shirt and trousers, and said he had come to collect that tax and proposed to stay till he had it. Add didn't manifest any disposition to pay it, so Ames sat down in the kitchen and waited. Nine o'clock came and found him there, ten o'clock, and he hadn't moved. Add pottered round the house, and still Ames didn't budge. Eleven o'clock came and Ames still prolonged his neighborly call. At length noon came and Ames settled himself for a siege.

"Add was getting uneasy. His wife met him in another part of the house. Add told her he was going to see if he couldn't make an end to that visit. Then Add's wife interposed. She asked Add to promise that he wouldn't strike Ames. 'Don't hurt him if he never goes,' she said. Add didn't say much, but kept moving.

"They use well-water at Add's, and the well is in a shed off of the kitchen. Add has a boy about fifteen years old and at noon he came in from the field with the horses and stopped in front of the door. There Ames sat in the kitchen; hadn't moved since he took his station at eight o'clock. Add called the boy in, and told him to water the horses.

Then he and the boy went out into the shed and Add began to pump.

He pumped all the water out of the pipe and then he filled three milk-pails out of the bottom of the well, where the water is about as cold as ice. Add's wife was afraid something was going to happen and she came out where the men were. 'Now you won't strike him, will you?' she said. Add didn't say anything, but he took one pail of well-water and went ahead and the boy came after him with one in each hand. Out in the kitchen Ames still sat immovable with his back toward them. Add reached an advantageous position directly behind him without exciting the collector's suspicion. In an instant he raised the pail over Ames's head and emptied it upon him. The deluge dazed Ames for the moment, and before he could realize what was happening, Add had seized one of the pails that the boy brought, and emptied that on him. The astonished collector broke from the house and the collection of the tax was adjourned without day.

"But, of course, there are two things a man can't escape, death and taxes. Ames consulted Jim Remick, and by Jim's direction he started proceedings under his warrant to distrain Add's property. Add conferred with my firm, and Mr. Bingham advised him that he would be obliged to pay in the end, so he paid and stopped proceedings. The tax and costs were only about six or seven dollars.

Then Poor came out to Lisbon and consulted

Harry Morse," said Batchellor, looking in the direction of a young man at the same end of the table with Thorndyke, "and ordered Harry to bring suit against Ames for damages done by Ames' hens. He claimed that the hens had been on his premises and had done great injuries to his crops. The case came on for trial while Harry was out West and so he employed my firm. The case was referred to John H. Watson of Bradford, Vermont, and we met and tried it at Lisbon.

"Add testified that a part of his business was developing new varieties of potatoes. He took the potato balls, and raised seedlings, and sold them for fancy prices. It required two or three years to develop a species, and that was where he made his money. He claimed that he had some very choice varieties started; but Ames's hens came over while they were weak and the tops small, and ate them all up. Ames's hens seemed to have a peculiar appetite for high-priced potatoes, and they set him back a year or two in his business.

"I began in a courteous way, I assumed that it was Ames's negligence rather than a disposition on his part to injure Add that occasioned the damage done by the hens. We commenced Friday and I stayed at the hotel. That evening Add and I had a private conference in his room. 'I should like to know,' he said, 'which side of this case you are on, anyway?' 'Well,' I said, 'I thought I was employed by you.' 'That's what I supposed,' he said.

'What's the trouble now?' I said. 'You say,' he answered, 'but I tell you now, if I pay a lawyer I want him to work for me. Nobody could tell by the way you treat Ames but what you are working for him; that ain't my idea of the way a case ought to be tried, especially this case. He's a miserable cuss, and I want him told so, right here before 'em all, just's often's ye can, and I'm willing to pay for it—now go in!

"Upon reflection I decided to follow my client's directions. The next morning I changed my methods. Jim Remich was on the other side. In less than fifteen minutes he claimed that he had been affronted. Jim said he didn't see why I needed to make a personal matter of this case, but I kept it up to the end. In the afternoon Ames went onto the stand to testify. I blistered him to the best of my ability. By the time it came for the arguments, Jim's wrath was blazing. On both sides the effort was to exhaust the vocabulary of abuse for their respective clients with something of a similar character for the counsel.

"That night I settled with Add. He said he was perfectly satisfied, win or lose. He paid all I charged without objection or complaint, and then he counted out an extra ten dollars and handed it to me. 'There,' he said; 'you very likely may want to give something to your minister to-morrow and you had better take that.'

"Watson took our view of the case and allowed

our bill just as we claimed it. We got judgment against Ames for somewhere between forty and fifty dollars."

Responses were also made by Major Drew, Hon. Ossian Ray, Judge Ladd, and several others. All were interesting, some were witty, others humorous.

What remained in Young Thorndyke's memory longer than anything else were the various anecdotes which he heard. True, his mind was taken up to quite an extent by his contemplation of the proposed new drink, carbonated hard cider; but still for the most part his attention was given to the speakers. After the story told by Batch, there seemed to be a general disposition to relate anecdotes bearing upon the desire which clients sometimes evince to have the opposing party castigated.

Among other visiting lawyers present was Alex. Dunnett of St. Johnsbury, Vt. He said that a story once told him by Chief Justice Redfield of Vermont, illustrated the same trait of character as that exhibited by Batch's client.

"Judge Redfield said that when he was in practice, before being elected to the bench, an old Scotchman came into his office one day and, speaking with his Scotch accent, said: "They say you are the meanest-talking man in the country. I have been sued and the man that sued me was a mean man. Will you take the case?" Well, Redfield questioned the old man, made up his mind that there was a chance for a defense, and of course took the

case. At the time he did not think much about the old man's remark as to his being a mean talker; but after he had agreed to defend the case, the old man used to keep coming into the office every day when he was in town with scraps of personal history of the old man's opponent. Redfield soon found that his client hated his opponent with all of the vindictive bitterness that a Scotch character sometimes displays. He came so much and so often that he came to be regarded as a regular nuisance. But no matter how often he came he always ended the interview with this injunction "Go for him!" He was like Cato, the ancient Roman, who always ended his speech on every subject with the injunction: "Carthage must be destroyed."

Redfield said that when he commenced the work of preparation, he discovered that the writ was faulty; and thinking he might get the case disposed of in that way, he filed a plea in abatement, or something of that kind; but the judge delayed passing upon it, and the case was finally set for trial. At length the day arrived and the old Scotchman was on hand with his witnesses. The case was reached, and Redfield had his client take a seat beside him in the bar. The old man seemed to be as happy as a boy with his first boots; but he gave Redfield one parting injunction to "go for him!" Just before they got round to draw the jury, the judge announce that the plea in abatement had been sustained. This of course had the effect of throwing

the case out of court, so Redfield turned to his client and said, "We've beaten him." The old Scotchman sat still for a while and then reached over and tapped Redfield on the knee, and inquired in a whisper "When are you going to go for him?" "Why," said Redfield, "we've got him beaten, knocked out of Court, we've beaten him." The old Scotchman waited a few minutes, trying to straighten it out in his mind, and finally whispered to Redfield again, "Ain't you going to go for him?" "Why no," said Redfield, "we've beaten him, driven him out of court, don't you understand? beaten him, licked him, beaten him." "I don't care," said the old Scotchman, "if you've skunked him. Go for him."

At length all of the toasts were drunk. It was then about one o'clock in the morning. The company arose, and led by Clerk Hastings and his band, including the Hollis boys and Buckley, sang "Auld Lang Syne," and then the assembly dispersed.

Some at once betook themselves to their rooms, and to their beds; others, not yet tired of stories and good fellowship, were loth to separate. Young Thorndyke was of this latter class. With some of the other young men, and, truth to say, some of the older ones, he remained in the office listening to the conversation and occasionally taking part in it.

At length, at a little past three, it was suggested that it would be interesting to hear Uncle Harry discuss the law in Bowles v. Landaff. He had been one

of those who had retired about two hours before; but that did not prevent a party of half a dozen young fellows, among whom was Thorndyke, from going to his room. They found his door unlocked, and upon entering found Uncle Harry enjoying the sleep which we are told is the especial possession of the pure in heart. He was awakened, however, by the entry of the group, and a lamp having been lighted, he bade his visitors welcome, and asked them to be seated while he propped himself up in bed with the pillows. Major Drew took a seat by the bedside, and commenced a conversation while the others took seats around the room.

"We've had a fine meeting, haven't we?" Drew inquired by way of opening the conversation.

"Yes," affirmed Mr. Bingham rather drowsily.

"I've been reading the case Bowles v. Landaff recently. That was a mighty interesting question, wasn't it?"

"Yes," with more interest.

"Yes," soliloquized the major, "I think that was one of the nicest questions of law that I ever examined. I read your brief, and Carpenter's, and the opinion of the Court; and, it seems to me that Carpenter had a little the best of the argument all the way through. I don't see how the Court could have held the law differently from what it did—"

Before Drew had finished speaking a foot was thrust out from beneath the bedclothes, then another; and soon Mr. Bingham, his night-robe falling

nearly to his ankles, was sitting on the side of the bed. In this posture he reminded Thorndyke more strongly than ever of the painting of St. Joseph.

"That shows how much you know about law," said Uncle Harry with emphasis on the "you." And thereupon he again argued the law of the case for the plaintiff. But we will not afflict the reader with even a synopsis of the argument. If for any reason he cares to roam the fields of legal discussion, let him go to a law library where the New Hampshire Reports are to be found, and, calling for the 59th N. H., turn to page 164. Then may he read a synopsis of the brief that Carpenter filed for the defendant town, then of the answer of Uncle Harry, again the reply of the said Carpenter, then the rejoinder of the said Harry, and even the second rejoinder of the said Harry, and finally of the opinion of the court delivered by one Doe, C. J., and all of which occupies more than thirty pages of printed matter.

Thorndyke soon wearied of the discussion and quietly took himself to his room, leaving Major Drew and Uncle Harry still debating the soundness of their respective positions.

Young Thorndyke did not appear at breakfast the following morning. When he came into the office of the hotel it was between ten and eleven o'clock. Some of the lawyers had gone home, but many were waiting for the next train, while most of those living in town were there, apparently to

keep the visiting brethren company until the train carrying them to their homes should depart.

"Good-morning, Thorndyke," said Father Heyward, "How are you feeling this morning?"

"Pretty well."

"Sleep well?"

"Yes, after I got to sleep. Somehow I didn't feel first rate when I went to bed, and I kicked and tumbled round for an hour or so. I've got a kind of an acid stomach anyway, and finally had an attack of vertigo; but after it was over I felt better and went back to bed and slept after that."

"Champagne is apt to bring on those vertigo attacks," said Jordan sympathetically.

"Especially if you are not used to it, and drink it like water when you're dry," said Dooley.

"It is bad for an acid stomach," said Father Heyward.

"I should think that might be an objection to carbonated cider," remarked Dooley.

"Go on," exclaimed our hero, for he now saw that he had made himself ridiculous, but it was many days before he heard the last of his "vertigo" and his "acid stomach."

At a little past eleven he mounted into the seat by the driver on the coach to go to the station. The storm had passed. As much as eighteen inches of snow had fallen; and it shone in the bright sun with dazzling whiteness. Finally he found himself aboard the train en route for Berlin. There was a

certain soreness about the back of his head and neck, which seemed to be worse when he moved. He ran over in his mind the account of his expenses, and concluded that the trip had cost him about a dozen dollars. He could ill afford to spend the money; but he consoled himself with the reflection that, if his store of knowledge had increased in proportion to the apparent increase in the size of his head, that twelve dollars would ultimately prove a good a good investment.

CHAPTER XVI.

INTO THE WOODS ON SNOW-SHOES, AND WHAT WAS FOUND THERE.

THE game and fish laws were not so well enforced by the authorities nor so much regarded by the inhabitants in northern New Hampshire in the eighties as they have been at a later day. Trout were taken through the ice, and deer were hunted in the deep snow. Both practices were unlawful; neither was sportsmanlike; but both were indulged in to a considerable extent by residents, with practically no restraint from the authorities.

When you set a line through a hole in the ice in a trout pond, and at length land your fish through the same opening, hooked on a pickerel hook, so cold that he don't much care whether he stays in the water or not, you lose all of the excitement which comes from his determined rush on a fly; while to cut the throat of a deer struggling in snow up to the top of his back, while you stand above him on snow-shoes, has about the same element of sport in it as slaughtering sheep.

Thorndyke, however, had never tried either; and,

like most boys and young men, was enamored of the forest and everything that pertained to it. He said so much about a trip into the woods on snow-shoes that finally one day Dooley said:

"Well, I suppose we could go up to Millsfield and stay in the camp there with Bill Whipple."

"Where is Millsfield?"

"It is an unorganized town in back of John Chandler's, and about in the middle of Coos County. A few families have settled in the northeasterly corner, but not enough to keep up a town organization. It is mostly timberland. In the southerly end are a couple of small lakes or fresh-water ponds. They are called the Little Millsfield Ponds to distinguish them from Big Millsfield, a larger lake in the northerly end of the town. There is a log camp at the Little Millsfield Ponds, and I hear that Bill Whipple is staying there. It is as warm as a house and is in a good fish and game region."

"Who's Bill Whipple?"

"Don't you remember that big slouchy man with the thin beard and big head that we saw when we came back by Chandler's last summer on our fishing trip? Why, he was the feller that Clark told about catching with the ten-dollar gold pieces in his stockings, when he was arrested for stealing."

"Oh, yes, I remember now."

"Bill is a queer man. He is lazy and won't work; but he is said to be quite fond of mathematics and to be able to solve any kind of a problem."

"What's he doing in there?"

"Nothing, as usual, I suppose. Oh, I presume he has got a few lines in the pond, and perhaps he gets up steam enough once in a while to go out and kill a deer; but I guess that is all. Somehow he got a supply of provisions in there, and they say is wintering there."

"I shouldn't suppose the game warden would let him stay there and poach on the fish and game all winter."

"Bill is almost a licensed criminal. He never does anything very bad. I don't suppose he would take a man down and rob him, if he could as well as not; but if you left things in his way, you might not find them when you wanted them. Everybody knows the kind of a fellow he is and they let him alone."

"Let us go in for two or three days anyway," said Thorndyke, his love of the woods overcoming his duty to save his money for other purposes.

And so a Thursday evening in the middle of February found Dooley and Thorndyke at Chandler's hotel in Dummer, where they were to spend the night and were to proceed to the Little Millsfield Ponds in the morning.

The young men had come to Chandler's with the mail carrier, and had arranged with him to carry them up the highway in the morning to the logging road.

"Have you got a compass with you, in case you

should get lost?" Chandler inquired, as they sat around the fire in the office.

"Yes," said Dooley.

"That won't do you any good unless you remember which end is north," said John, "I've seen men swear that the north end was the south end, and then the needle won't help a bit."

"Why, I don't see how that could happen," said Thorndyke.

"When a man gets turned round in the woods you don't know what he'll do. I was out with Cy Twitchell and Jonas Powers one time. I was stacking provisions and they were exploring for timber. We camped at night, and one morning when we left our camp, I followed along on the range line, while they wandered down into the lot to see the timber. By and by they holloaed to me to go down there, that they were on the line. I told them no; that I was on the line, where I was. They came up to me. 'You're on the wrong course,' they says. 'No, I ain't, neither,' I says. 'This is the line I started out on this morning.' Then we got out the compass and set it down and got the needle to working. 'There,' I says, 'what did I tell you.' 'There,' they says, 'what did we tell you.' 'That is the north pole of the needle, and it points just as I said it did,' I says. 'No, it's the south pole,' they says. And there we were. The compass couldn't tell us a thing."

"How did you come out?" asked Thorndyke.

"Well, after we had stood and argued a while

they agreed to go back on what I said was the line. We hadn't been gone from camp more than half an hour. By and by we come to a tree turned up by the roots, and on the other side was the remains of a fire. 'Hello,' they says, 'somebody else is exploring these lands. Here's where they camped last night.' 'Perhaps they did,' I says, 'but that's my gun, and I left it here not more than a half an hour ago.' And it was too."

"Then of course they had to give up that you were right," remarked Dooley.

"Yes, they had to give up then."

"Has anybody seen anything of Bill Whipple lately?" asked Dooley after a short pause.

"No," said Chandler, rather uneasily; "but perhaps that's not to be wondered at. When Bill went in there the last time he had grub enough to last him till spring."

"How long since you have heard from him?"

"Oh, a month, or six weeks maybe."

"What kind of a fellow is this Whipple?" asked Thorndyke.

"Oh, you'll find out when you get there," said John evasively, which was not his usual way.

The next morning the young men were carried up the road into the Thirteen Mile Woods to the end of the logging road. It had not been used that winter, so they put on their snow-shoes and started into the woods with knapsacks on their backs con-

taining enough food to last them three or four days, at the end of which they intended to return.

The snow appeared to be about three feet deep. The last storm had deposited about six inches of light, soft snow, beneath which was a crust strong enough to prevent their snow-shoes from sinking further. As it was, their snow-shoes would sink down two or three inches, not enough to make bad walking, but enough to tire one more quickly than if the crust had been at the top. It was easier for the one who went behind, for then the path would be pretty well beaten down by the first passer; consequently they alternated in going ahead. It was a clear, cold day. In the morning when they left Chandler's the mercury had stood at eight below zero. At noon it had probably risen to zero and perhaps a degree or two above, while by the middle of the afternoon it had again begun to descend. Besides food their knapsacks contained fishing-tackle for ice fishing. They both had rifles with a supply of cartridges.

It was about nine o'clock when they started into the woods. After they had followed the logging road for about an hour and a half it forked. They stopped. "Which road do we take?" inquired Thorndyke.

"I don't know," said Dooley.

After a conference they decided to take the one to the right hand, but after following it for about an hour, they took out the compass and found that

they were traveling almost north. This would be almost parallel with the highway through the Thirteen Mile Woods, while their course they knew to be almost due west.

"I can't understand how that is," said Thorndyke, "I thought we had been going due west all the time."

"We have been swinging to the north slowly, but constantly," said Dooley. "We must do as Chandler said, follow the compass," and he turned back on the track.

"Can't we cut across and save some of the distance?" asked Thorndyke, for he disliked to think that they must lose not only the hour that they had traveled but as much more time in getting back.

"I don't dare to," said Dooley. "We might strike the other road all right, and we might not. In the woods the safe way is always the best way."

Thus it was that it was half-past twelve when they had returned to the forks of the logging road. Snow-shoeing with a pack weighing twenty pounds on one's back is hard work for one not used to it. They were both tired. They started up the other branch, but coming to a small brook, they unslung their knapsacks and ate lunch, drinking the brook water. They did not halt long. They were both anxious to reach Bill Whipple's camp before dark. A night out doors in the woods in our northern latitude is bearable, perhaps, but not comfortable.

By two o'clock they thought they should have

reached Whipple's camp. They had seen nothing that looked like the ponds or the camp. Again they consulted the compass, and as the road was taking them in a westerly direction they plodded on.

At last they had traveled until they were beginning to fear that they were still on the wrong road; they observed that they were going up the side of a low ridge; and, when at last they reached the height of land, they could see only a little distance off, an open spot which they took to be one of the Millsfield Ponds. In this they were not mistaken.

"Someone has been here before the last snow," remarked Dooley, who was ahead, as he discovered that the crust below the loose top snow was firmer than what they had been walking on. Thorndyke came up beside him. They could see a slight deepening of the surface, showing that at some time snow-shoes had come to that point.

"What does that mean?" asked Thorndyke.

"Don't know," said Dooley, "but I should think someone had come to here and then turned back."

The certainty that they were traveling in the right direction gave strength to their legs, and soon they saw at some distance ahead of them beside the road a small log house, perhaps twelve feet wide with the gable end fronting them. This they knew to be Whipple's camp; but they both involuntarily stopped and stood looking at it.

"I don't see any smoke coming out of the chimney," said Dooley.

"It doesn't look as though anybody had been there since the last snow," remarked Thorndyke.

This observation was confirmed by the condition of the snow.

There were paths leading in various directions from the door, which was in the end nearest to them; but these paths were partly filled with loose snow, the accumulation from the last storm.

"What do you think the matter is?" inquired Thorndyke.

"I don't know," replied Dooley, starting forward resolutely but cautiously.

There is an instinct which makes us all hesitate about approaching the abode of man or beast, without his knowledge and consent. We knock before entering a house, and we are not surprised that the wild beast resents an intrustion of its lair.

When within a few rods of the cabin they stopped again and Dooley shouted. There was no response.

"I guess Bill has gone out without John's knowing it," he said. "Anyway," he continued, "we can stay here just as well if he has."

Still going cautiously and slowly they approached the little log building. Nearing the door they threw off their knapsacks and unfastened their snow-shoes.

"Bill evidently believed in daily labor," remarked Thorndyke.

"Why?"

"He must have cut what wood he burned each

day as he went along; anyhow, he didn't leave any out of doors," was the reply.

Dooley advanced and pulled the latch string, the bar moved on the inside and the door swung open. They entered. There, lying on the floor with his feet toward the stove, in which there was no fire, lay the form of a man wrapped up in a number of old blankets and some pieces of patched bedquilt. It was Bill Whipple.

"Bill," said Dooley, after a pause, "Bill. What's the matter, Bill?"

There was an inarticulate sound from the bundle on the floor.

"Bill, what's the matter? Are you sick? Can't you speak?"

"I'm so glad you've come," said the bundle on the floor, slowly, as if only partly conscious.

"Are you sick?" again inquired Dooley.

There was no answer. Thorndyke took a cover off from the little cook stove. The fire box was empty, save for a few cold gray ashes. He turned and looked about the small room for wood with which to start a fire. There was none. Even the fir boughs had been taken from the bunks which were built up against the wall opposite the door, and evidently these had been burned.

"We must get a fire as quickly as we can," said Dooley; and he picked up an ax standing beside the door and was about to go out, but Thorndyke interposed, "You had better stay with Bill," he said,

taking the ax. But Dooley, too, went out; and, while Thorndyke was cutting a few sticks from a log nearby, Dooley went back on their path and gathered some birch bark and dry twigs. Soon they had prepared a quantity of fuel and together entered the camp. Whipple still lay on the floor as they had found him; and when they talked to him and tried to have him tell them about himself, the only answer which they could get in the same drowsy voice was: "Oh, I'm so glad you've come."

Soon they had a fire burning, and then they made a closer inspection of the bundle on the floor.

One stockinged foot partly protruded from the blanket, and this was afterward found to be partly frozen. Whipple's eyes were bright and his face flushed. His visitors thought these were symptoms of some kind of a fever.

They brought snow and chafed the frozen foot. They cut wood, and kept up the fire; and soon the little cabin was warm as a kitchen. They cut a few boughs and spread them on one of the bunks, then laid the pieces of bed-quilt on them, and, as gently as they could, lifted the heavy form of Bill Whipple and laid it on them.

The frozen foot now became painful, and they rubbed it with snow, still it pained him as the warmth of the room began to restore it to sensation.

At length the warmth seemed to restore him to consciousness. He looked at the two young men.

"I'm so glad you've come," he said, "I was afraid I was going to die here all alone.'

"You'll be all right now that we've found you," said Dooley.

"No," said Whipple, "I've been sick too long; but I wanted to see someone's face just once. So much."

"Is there anything we can do for you?" they asked.

"Water. That's all I want."

There was a six-quart tin pail near the door, and Thorndyke took it, and going out followed a path leading down toward the pond. The path, however, led by a spring, from which he soon filled the pail and returned. A tin cup was found, and filling it from the pail he gave it to Whipple. He drank it heartily.

"It's so good," he said.

They now prepared supper for themselves, and they took some of their bread and toasted it for Whipple; but he would not eat. An occasional drink of water was all he wanted.

The short winter day was drawing to a close, when they finished their supper, their first substantial meal since breakfast; but they went out and gathered more fir boughs, until they thought that they had made Whipple's bunk comfortable; and then the question arose, what should be done next? They were both tired with their unaccustomed exer-

tions; but neither felt that he was competent to take care of a sick man such as Whipple seemed to be.

"One of us has got to go out to Chandler's," said Dooley.

"And the other stay here alone and take care of Bill?" questioned Thorndyke.

"Yes; which will you do?"

Thorndyke hesitated. It was seven miles of a tramp to Chandler's; but, on the other hand, he did not feel competent to take care of the sick man. And what if Whipple should die while he were here alone?

"Does it make any difference to you?" he asked of Dooley.

"No."

"Then I guess I will go out to Chandler's."

And so it was decided. Before going Thorndyke went to the bunk where Whipple lay.

"I'm going out to John's," he said.

"You won't go away and leave me, will you?" Whipple asked piteously.

"Dooley's going to stay with you."

"Oh, it's so lonesome when you are sick here alone," he answered drowsily.

"Yes, but Dooley will stay."

No reply.

"Is there any word you want to send out or anybody you want to send word to?"

"S'pose you couldn't send word to Jordan?"

"Do you mean lawyer Jordan of Lancaster?"

"Yes."

"Perhaps so."

"Send word to Jordan," and he closed his eyes and dozed off to sleep.

It was about six o'clock, more than an hour after sundown. It was going to be a cold night. Taking his rifle, Thorndyke went outside, Dooley followed. The sky was clear, stars were shining. He buckled on his snow-shoes, good-byes were exchanged with Dooley, and he started on his long tramp, while Dooley returned within the cabin, to take up his lonely task of caring for the sick man.

The northern forest is quite a different place by night from what it is by day. At both times in the winter season, looking upward one sees the naked branches of trees outlined in scraggy tangle against the sky, while the cold winter winds surge and sigh through them. But in daylight there are only trees, the snow, and an occàsional squirrel or bird, while at night behind each tree and in each cluster of bushes lurks a dark shadow which to the vivid imagination is easily made to conceal a foe.

There is really nothing to fear in the New Hampshire and Maine woods. Wolves and panthers have not been seen for many years, and are supposed to have become entirely extinct in this region. Bears have learned to shun man since he began to carry firearms; and, moreover, at this season of the year, they were in their dens taking their long winter's sleep. Thorndyke might safely have left his gun

at the camp and thereby have traveled much the lighter; but its companionship more than compensated for the extra effort.

We are naturally afraid of shadows. Instinctively, too, we feel that our vision is defective in the dark. As Thorndyke passed clumps of low firs, or passed under an overhanging tree, the thought would come into his mind, what if a savage beast should rush out and attack him, or should spring upon him from above? He had never seen either a wolf or a panther in their wild state, perhaps had never seen either in confinement; and yet he felt that he knew how they both looked, and instinctively was on his guard against them. Occasionally the frost would rive the trunk of a nearby tree with a noise like the sharp crack of a pistol, when Thorndyke would involuntarily clutch his rifle and bring it in a position for ready use. Then his reason, having had time to be heard, would tell him the cause of his foolish fright, and he would return the gun to its former position. Thus he plodded on, his bosom the scene of a continual warfare between his reason and his instinct.

Where do we get these instinctive fears, unless our souls hark back to an earlier time, when such places often contained very real dangers? Thorndyke's rifle, however, in a measure dispelled his fears, for whatever his instinct might say of beasts of prey, his reason and experience both told him that with the magazine of his Winchester full of cartridges,

he could probably successfully combat any danger that ever lurked in these woods, unless it were those large packs of timber wolves, which sometimes numbering scores, haunted this same forest from time immemorial up to less than seventy-five years ago, and in their fierce winter's famine slew any wild beast which came in their path. The woods were now, however, free from dangerous animals.

He did not hurry. The night was cold but still. He was well clothed. He could see the path plainly. This time he did not mistake the path, and in about an hour and a half he found himself in the public highway. There were still four miles more to walk before he would reach his destination. He unbuckled his snow-shoes and, hanging them over his rifle, so that they would rest on his back, he started down the road. How queer his legs and feet felt when he commenced to walk without snow-shoes. It almost seemed as though they belonged to someone else. But he found that he was using a different set of muscles; or perhaps using the same in a different way, and he felt rested by the change.

But he did not hurry. He was too tired. In fact he did not feel as though he cared when he got to his journey's end, only to keep walking. That was all, keep walking.

But persistent effort in one direction must accomplish results, and at last, at about eleven o'clock, he turned into the yard and made up to the hotel door, when he experienced a feeling of gratitude to the

house-dog, whose bark speedily caused a light to appear in one of the windows, and thus saved him the exertion of awakening the landlord.

The light came to the door. "Go back, sir." It was John to the dog. The door opened and revealed Chandler standing in shirt and trousers, holding a lamp in one hand. Thorndyke entered.

"What's the matter now?" said John in surprise.

Thorndyke's story was soon told.

"We can't do anything till morning," was John's comment. "The thing for you to do is to go to bed. In the morning we'll go in and bring him out."

Thereupon he lighted Thorndyke to the room which he had occupied the night before.

"I'll call you in the morning," he said, and Thorndyke, undressed, was soon reposing his tired limbs in the yielding comfort of one of John's "hard" beds.

It seemed to him that he had barely fallen asleep, when he was awakened by persistent knocking at his door; and, when at last he answered, he was told that breakfast was ready. Gradually he recovered consciousness, and recalled the events of the day preceding. It was still dark. Hastily dressing he went downstairs to find breakfast being served, and three strangers in the office. They were Warren Wentworth, who lived on the adjoining farm, and two of his brothers.

At that early hour arrangements had been completed for the journey to the camp.

Thorndyke could hardly walk, his joints were so

stiff and his legs so lame; and he wondered as he sat down to breakfast, thereby receiving an especially severe twinge of his knees, how he would be able to walk to the camp again; but Chandler had foreseen his condition, and had provided for him a less arduous employment.

"We've planned to have you carry us up to the logging road with the team, and come again and get us when we come out," he said.

This arrangement was satisfactory to Thorndyke. It saved him from the long walk, which he felt he could hardly endure, while it kept him employed. But it was not until he thought it over afterward that he fully realized John's thoughtfulness for him.

Breakfast over, a two-horse sled with horses attached drove up to the door. All went out, and taking seats and wrapping the fur robes about them, the team was driven by Chandler up the road.

Arrived at the end of the logging road, Chandler turned the team around and gave the reins to Thorndyke.

"Be back here at half-past two sharp. The hired man will hitch up for you," he said.

Two of the fur robes were packed into a couple of knapsacks; and the men, each with a pack on his back, started on the same trail which he had taken with Dooley the day before.

Thorndyke was back with the horses and sled at the appointed time; but they had not yet returned. He turned the team around, put blankets on the

horses and waited. It was still cold and the horses were restive.

At length, after waiting a half-hour or more, he heard low voices nearby, and looking up the logging road, was soon able to see the men coming toward him. As they came into the road behind the sled, he saw that they were carrying a stretcher, which they had evidently built at the camp with two poles cut there, and some canvas and nails, which Thorndyke surmised had been carried in that day in one of the knapsacks. On the stretcher was a bundle which seemed to be composed of fur robes, but which he knew must contain Whipple. Gently they laid the bundle on the sled. Thorndyke recognized the knapsack under Bill's head as the one he had carried into the camp the day before.

The men unslung their packs, deposited them upon the sled and when all was ready John taking the reins drove toward the hotel.

Nothing of interest or importance occurred on the way. One of the men stood by Whipple and saw that he was covered with the furs. There was little conversation. When asked how he felt Bill said he was comfortable. He did not complain any, in fact, it was difficult to get a response from him.

Arrived at the house he was carried upstairs to a warm room, undressed, and put to bed, when he dosed off into a restless sleep.

Soon a physician came, examined the patient, and left some medicine. When he came into the hotel

office, and was inquired of, he said that he was afraid the prospect for recovery was not good. The temperature was high, while the heart seemed to be weak. His privations in the camp, alone, without care, had taken his strength. Still, for doctor-like he would not be positive, still he might recover in spite of that handicap. He himself would come again on the morrow.

As the sun was going down at the close of the afternoon, Bill aroused a little and inquired if word had been sent to Jordan. He was told that a message had been sent and that word had been received in reply that Jordan was out of town and could not possibly return before evening, when his message would be delivered.

As evening came on the question arose as to who should watch by the sick man during the night. Trained nurses there were none in that farming region, and the custom among the inhabitants was for a neighbor to come in and care for a sick person during a night, some other doing the same on a subsequent date, while he received more regular care during the day. Thorndyke was familiar with the custom. Dooley had been up all the previous night, and Chandler was evidently tired from his tramp into the camp and return, carrying Bill, as they had, on the stretcher. As no one else seemed available, Thorndyke rather hesitatingly offered to do the best he could. His offer was accepted, and before the others retired he was given instructions as to

when the medicine should be given, and as to what should be done under various contingencies. As he was about to leave Chandler said:

"If you want me any time during the night, I sleep in a room off the office next the dining-room. Go to the door and rap and I will wake up."

Soon all had retired except Thorndyke. His duties were simple. Medicine was to be given every two hours. There were two tumblers with some medicine diluted with water in each. A spoonful from each was to be given alternately. He was to keep a steady fire in the stove, so as to keep the temperature as nearly even as possible. Beyond this it was expected that nothing would be required of him.

He was still somewhat tired from his unusual exertions of the day before, and he dozed in his chair at intervals during the first part of the night; but he did not fail to keep the fire well supplied with fuel, nor to give the medicine at the appointed time. Bill slept heavily.

After giving the medicine at about two o'clock in the morning Thorndyke found himself less inclined to sleep, and he sat leaning back in his chair. Bill stirred restlessly on his couch and talked in a mumbling, indistinct voice.

Finally he seemed to arouse from his slumbers and his large eyes rested on the watcher.

Thorndyke went to the bedside.

"Is there anything I can do for you?" he asked.

"No," said Bill in a whisper with a labored effort.

After a few moments he motioned feebly with his hand, and Thorndyke went close.

"I—am—so—glad—to—be—with—folks," he whispered slowly.

Then, after a pause,

"Jordan—will—come—to-morrow."

Thorndyke was without experience in a sick-room; but he thought Bill seemed to be weaker, and debated with himself, if he ought not to call Chandler; but finally decided that it was not necessary.

Bill soon went to sleep again; but it was a troubled slumber. He uttered inarticulate sounds and incoherent words. Only once was Thorndyke able to hear distinctly. Then he sighed heavily, "Why don't somebody come?" he said. After that he became quieter. Soon there was no effort to speak. Thorndyke made as little noise as possible so as not to disturb him. Then he noticed that he did not hear Bill's breathing.

He went to the bedside—all was quiet.

A sudden fear seized him.

"Bill," he whispered loudly. There was no answer. Then, taking a lamp which was burning in the hall outside, he went down and called Chandler, and returning to the chamber, approached the bed. All was silence. Soon John came up. He too came to the bedside. He put his hand on the large head. It was becoming cold. Bill Whipple was dead.

There was nothing tragic in the last moments of Bill's life. Death when it come was like sleep to the tired child in his mother's arms. But the change which was wrought was none the less profound. Before there was a sentient human being, who yearned for human sympathy; now there was a corpse, mute, without feeling, hope, or desire.

During the forenoon Jordan came. He was much pained by Bill's sad death, and that he had not received the message in season to have seen him alive. So far as known, Bill had no relatives or close friends. No one would be convenienced by delaying the funeral, and it was determined to have a short service on the following afternoon, which would be Sunday. Then the body would be committed to its final rest.

Dooley and Thorndyke had planned to return Monday morning; and, as they did not feel like again going to the Millsfield Ponds, they determined to remain until after the obsequies.

During the day Thorndyke had occasion to go to his knapsack. He found that the food which he had carried into Millsfield had been taken out, and in its place were a number of books. They had been the property of Bill Whipple. He took them out and examined them. There was a copy of Josephus' "History of the Jews," an Algebra, a Geometry and an advanced Arithmetic, which seemed to contain many puzzling problems and some tricks of figures, and, more important than the others, a small leather-

covered book. It was Bill's journal. The first few pages were covered with writing in an untidy but legible hand. Thorndyke opened the book and read.

There were numerous references to his mother; but none to his father.

Extracts from it are given below. The one given first was dated about ten years before his death. It is as follows:

"My mother has been a week dead and I am without a home. The little house, in which we have lived ever since I can remember, did not belong to us. The owner wants it, and I have given it up to him."

An entry made about two years before his death gives perhaps a better insight into Bill's character than any other. It is unusually long, but we give it in full.

"I have been in Lancaster jail, and I should be there now if it wasn't for lawyer Jordan. We were boys together and he finally got it fixed up. 'I think he paid the money back and some more out of his own pocket. Anyway I am free, for which I am glad, though I always got three good meals a day in jail.

When I think why I was in jail it makes me laugh. The idea that I should be confined. Why, I did nothing. The judge read a complaint which said I stole twenty dollars from that James Spinney. What if I did? There was nothing wrong in that, or at least it was not as wrong as what is done without censure by many men every day.

This is my line of roasoning:

God made the world. He made man and put him in it. The earth bears fruit and other commodities for the sustenance of man. Evidently it was God's plan that we should all have our share.

Now some men try to get more than their share. They are cheats, and would defraud and starve the rest, if they could. They have been very cunning, we must admit. They have even got the most of the rest of the people, their victims even, to agree with them. So they have established their laws of property, but laws of property are merely a method of making the many acquiesce, while they are being plundered by the few.

Which is more honorable, to swindle everyone out of his just dues, by these laws of property, or to take your own, when you can find it and use it?

The people call the one accumulating property; the other theft. As a matter of fact the first is fraud; the second is recovering one's own.

This is the way it happened with me.

To go from my room in the house where I was, I had to pass through the room of another boarder, Spinney. As I did so one morning, the room was empty and there were two ten-dollar gold pieces on the table. I took them, reduced them to possession, I heard the lawyers call it once. They had been his: They now were mine, "and had been slaves to thousands."

The fellow made a row about it, I was arrested. And here I showed my foolishness. When I first took the gold, I hid it in under the wall-paper in my room. After the sheriff searched me, and did not find the money, I took it from its hiding-place, and put it in my stockings. Then, when he searched me again, he found it. But I bear him no ill will. We matched brains and he won. If I had not been so careless, the game would have been mine.

So I am taken to jail. If I had sneaked around and cheated all of the men in town out of a larger amount, by selling goods at an exorbitant profit, their property laws would have protected me. I should have been honored and respected. The more one cheats the better; but to go boldly and recover your own is by them called theft and made a crime.

This is not natural justice. If the people could only see things as they are, they would know it; but they are crazy on the subject. Ninety-nine in a hundred, yes, nine hundred and ninety-nine in a thousand are insane on the subject.

There was an entry made about two weeks before the day when Dooley and Thorndyke went into the camp. It read:

I have not been feeling well for a week. I think I am having a hard cold. It seems to be settling on my lungs. I am losing strength. To-day I thought I would try to go out to Chandler's. I thought if I could get out as far as the road through the Thirteen Mile Woods, I should probably in time find a team going that way and could beg a ride. I started; but the snow is light, my snowshoes sunk in pretty deep and when I had got as far as the top of the hill, my strength seemed to be all gone. I sat down for breath. I saw I had not enough strength to get out to the road, so I turned and came back. I was all tired out. This afternoon I have cut what wood I could. With care I can make it last a week. I wish someone would come; if they do not, I am afraid I shall suffer before I get well again.

One entry was made five days before Dooley and Thorndyke went into the camp. It read:

I'm alone, unable to go out of doors. My last stick of wood is in the stove. My head aches terribly at times and I am hot, but more often cold. I wish I might see one more human face before I die.

Will no one come.

A simple funeral was arranged. There was no clergymen nearer than Milan, eight miles away. At two o'clock in the afternoon a neighbor living on a farm in the vicinity arrived, and with him a fleshy, motherly, elderly woman, evidently his wife. The dress of neither was elaborate. The man wore a rusty suit of dark material, which belonged to no

recognized style, and which fitted his tall, spare figure indifferently. Heavy, but clean and well preserved, were the cowhide boots displayed beneath his trousers. He wore a wool shirt; but a white linen collar and black cravat adorned the neck, and gave a touch of respectability to his appearance. His hair, rather long, cut square in the neck, and not always with evenness on other parts of his head, suggested that his good wife may have been his hairdresser. His beard, though tidy and evidently recently combed, had received little attention, except that a space on the upper lip and below the mouth had been recently shaved, where an occasional trace of half-mown stubby beard proclaimed that he was his own barber. His eyes were large and full, the expression of his face kindly, and with all there was about the man an atmosphere of quiet dignity.

He and his wife shook hands with Mr. and Mrs. Chandler and a few other neighbors, who arrived at about the same time. Dooley and Thorndyke were both introduced.

After a few moments, led by John, all proceeded to the parlor. A plain but decent coffin resting on wooden supports was in the center of the room. Within the coffin, dressed in plain but respectable clothing was the mortal remains of Bill Whipple.

The stranger advanced to a position beside the bier. In his hand he carried a book, bound in leather, which showed much use. Evidently he was acquainted with its contents, for, opening it, his

eyes found at once those passages which he sought. in a deep, solemn, but clear voice ,evidently with full understanding, he read:

> "For now should I have lain down and been quiet;
> I should have slept ; then had I been at rest,
> With kings and counsellors of the earth,
> Who built up waste places for themselves;
> Or with princes that had gold,
> Who filled their homes with silver :
>
> . . . . .
>
> There the wicked cease from troubling;
> And there the weary are at rest.
> There the prisoners are at ease together;
> They hear not the voice of the task master.
> The small and the great are there ;
> And the servant is free from his master."

"Because man goeth to his everlasting home, and the mourners go about the street ; and the dust returneth to the earth as it was ; and the spirit returneth unto God who gave it."

There was a moment's pause after the stranger finished reading from the book; then, closing his eyes, he offered a prayer.

We live in an age mad after wealth. Gain, temporal gain, no matter how acquired, is the ambition of most, however few may reach the goal. Some there are who seem to stop at no barrier if only they may thereby create a great fortune on which, as on a juggernaut, they ride, crushing all competitors beneath the wheels of their great wealth.

It was not always so. In former times the Puritan left the pleasant fields of Old England to face the poverty and privations of a wilderness inhabited only by inhospitable savages. In his own way he sought to draw nearer to the universal soul. There are occasionally such men to-day. They are found in no one locality; they belong to no one class of society; they profess no one creed. Often they are unknown beyond the immediate circle of their acquaintances. When known they seem to possess an indefinable something of which the mad seeker after riches has never even dreamed.

Such a man was the stranger who offered the prayer beside the coffin of Bill Whipple. It was no new thing for him to seek in verbal communion the presence of the Most High. By it had he profited much. Into that presence by his simple words he carried those present. Thorndyke felt that he was in a holy place, where he might almost feel the heart throbs of the Infinite; a place in which Thorndyke felt himself to be unworthy, but where it was good to be.

Perchance when the change which had come to Bill Whipple comes to some of these worldly, successful souls, and a different world dawns on their vision, it may then appear that an obscure individual from a home on the border of civilization shall have gained more than they.

The prayer said, the earthly remains of Bill

Whipple were silently carried out, no more to find a place among living men.

After they returned from the interment, Jordan spoke of Bill.

"It always seems to me," he said, "that men should be judged less by what they are than by what they have overcome. There are those who have little inclination to depart from what is generally accepted as correct living. They are moral from choice. There are others in whose breast impulses for good are often met by counter-impulses for evil. One may know what is right, and want to do it, while an undercurrent of wrong propensities is ever straining to bear him in an opposite direction. The lives of such are a continual battle.. Neither side is usually ever wholly victorious. Bill was such a man. To us, perhaps, it would seem that he might easily have been better. We do not realize how hard he struggled that he should be no worse.

"Bill was naturally, and by impulse, a thief, but, in the main, he appropriated no one's property but his own. Seemingly he had the ability to have made a great man; but some way, in the making, his moral nature was given the wrong slant; while a natural tendency to indolence placed him under a handicap which he could not overcome."

Up beside the highway near the great forest is a small cemetery, containing a few graves. Above one is reared a simple stone upon which may be

found the name of Bill Whipple, with the date of his birth and death.

Thorndyke never has been told who put them there, or who paid the expenses of his last sickness and burial; but he knows that no bill for them has ever been rendered to, or paid by, the County of Coos.

CHAPTER XVII.

EXTRACTS FROM THORNDYKE'S DIARY.

March 3, 1886.

YESTERDAY being the first Tuesday in March, the Supreme Court met at Concord for the adjourned law term, and I was present, hoping to get a decision in Griffin v. The Glen Manufacturing Company. There was none. Court will not meet again until June, so I shall have to wait till then. Expenses $15.43. As soon as we get an opinion, if favorable, I mean to have a confidential talk with Belle, which I hope will favorably affect my future.

CHAPTER XVIII.

THE WHITE MOUNTAINS OF NEW HAMPSHIRE.

THE White Mountains of New Hampshire are a group in the northern end of the system, which runs northeast and southwest along the eastern border of the North American Continent; and which, when spoken of as a whole, are called the Appalachians.

Neighboring groups are the Green Mountains of Vermont, and the Adirondacks and the Catskills of New York; while the Blue Ridge, Alleghany and Cumberland Mountains in the Carolinas and Tennessee are a part of the southern portion of the same system.

The White Mountains rise from a table-land having a mean elevation of from eight hundred to one thousand feet, extending from the Connecticut River easterly a distance of from seventy-five to a hundred miles across New Hampshire into Maine, and from Lake Winnipesaukee, northerly, two hundred miles into the Dominion of Canada. Included within this area are several more or less distinct groups or ranges, such as the Presidential range,

DURAND RIDGE. MT. ADAMS

the Franconia Mountains, Pilot Range, the Carter Mountains, the Dixville Mountains, and several others, beside many, more or less isolated peaks, such as Goose-Eye and Aziscohos in Maine. All of these various groups and mountains may with propriety be called parts of the White Mountains, though the use of this term seems to be sometimes restricted to two principal groups: the Franconia and the Presidential Ranges.

There are more than two hundred considerable peaks, of which forty are more than four thousand feet high, nine more than five thousand, and one, Mt. Washington, more than six thousand, the summit of the latter being six thousand two hundred and ninety-three feet above sea-level, or more than a mile and one thousand feet high. If two thousand feet higher, its summit must have been in the region of perpetual snow.

With the exception of Mts. Mitchell and Clingman in North Carolina, Washington is the highest elevation in North America, east of the Mississippi.

Of the White Mountains which are more than five thousand feet high all are in either the Presidential or the Franconia groups. These are the two ranges most noted for the beauty of their scenery, and are most frequently visited by travellers. Each has its central mountain, higher than, but surrounded by, others; in the Franconia group, Lafayette, and in the Presidential, Washington. Each, too, is cut by a gorge called a notch. That in the

Presidential, by the Crawford or Willey notch; while the other is called the Franconia Notch, and contains the profile, the great stone face, in the White Mountains.

The larger mountains, and especially the Presidential group, have many characteristics generally found only in mountains much higher. If the reader remembers his physical geography, he will remember that the northern part of the eastern side of North America is much colder than the corresponding latitudes on the western side of the continent or in Europe. The forty-fifth parallel, the northern boundary of Vermont and northerly of the White Mountains, passes through southern France, while England is in the same latitude as stormy and uninhabited Labrador.

In fact, if one traces the isothermal lines, he finds that in central North America they bend sharply to the south, enclosing the territory around and southerly of Hudson Bay. A corresponding area is enclosed on the opposite side of the earth in Siberia, thus making them not circles like the parallels of latitude, but ellipses, indicating that the climate of the White Mountains is colder than it would have been if they had been located on some other portion of the Globe.

All the mountains are in a measure accessible, though the summits of some can be reached only by the pedestrian and with some difficulty. In the winter season none but the most robust in the

mildest of weather may scale the more lofty peaks, and then not without peril. There is in fact some danger at any season of the year. The precipitation, if not snow, is usually a drenching cold rain, while the clouds which settle upon the summits are often composed of a dense mist, which saturates one's clothing with moisture, and surrounds one with impenetrable gloom. Some half dozen persons have perished in storms upon Mt. Washington alone.

As one passes up the sides of the mountains, he passes through forests of conifers and deciduous trees; spruce, pines and firs, maples, beeches and birch. Presently only the white birch is left of the deciduous and spruce of the conifers. Then the birch disappears, while the spruce tenaciously maintains a scrub growth. Here the tree is no higher than a man's head, while the branches longer than the trunk, interlace and make an almost impenetrable thicket. Close to the ground the trunks of these trees are three or four inches in diameter. Cut one off, and you will find that the wood is resinous, almost like pitch pine, while the grains which mark the yearly growths are so closely packed together that with the unaided eye they are indistinguishable. With a magnifying glass, however, you make an examination, and are surprised to find that these small, stunted trees are from one to two hundred years old or even older. While they have been struggling up to the height of man's head, their sisters at the base of the mountain have become mill

logs from sixty to eighty feet tall and having a contents of from two to five hundred feet, board measure.

Paths have been cut at various places through these thickets, and the mountain climber when at an elevation of from thirty-nine hundred to forty-two hundred and fifty feet, has reached the timber line, the line where even spruce ceases to grow, and comes out on the bare rock, an open field where the season is too short and cold for the growth of trees. You are in the climate of Labrador.

On the Presidential range this treeless tract extends from the northerly side of Madison to the southerly side of Webster, a distance of about fifteen miles. In the vicinity of Washington, this territory is from two to three miles in width, in other parts much narrower.

To the common observer all of the territory above the timber line looks alike. It is a stretch of open, rocky, hill country which grows mosses, lichens, and queer uncommon grasses and plants. More than half of the year it is covered with snow, hence the name White Mountains.

The forms of life found here, whether animal or vegetable, belong rather to the frigid than the temperate zone. Among others, there lives here a family more exclusive than any at Newport, London, or St. Petersburg. As is often the case with exclusive families, it is a butterfly, and in scientific circles is known by the name of *Aeneis semidea.*

This butterfly, found only in the White Mountains, swarms on the highest peaks; but, like its rivals of the human sort, disdains to inhabit the lower regions, except, when overcome by misfortunes, it is hurled down to a lower level, by the fierce winds of adversity. Although itself so exclusive, it has relatives, species of the same genus, who are found only in Greenland and other arctic climes.

Another butterfly, *Brenthis Montenus,* and a grasshopper, *Pezotettis Glacialis* are interesting as being confined to the White Mountains; but, though exclusive in this sense, they are more plebeian, for they inhabit all of the territory above the timber line.

None of the larger arctic forms of life, such as the arctic fox, hare, or musk-ox, are found in the White Mountains.

It sometimes seems as if nature chooses the mountain-tops to disclose to man the method of her operations. Star Lake in the valley between the peaks of Mt. Madison and Mt. Adams, the source of a silvery brook which flows down the mountain side, is a spring which has been bisected, the upper half removed and the lower half left to show how a spring is formed.

The summit of the higher mountains are often veritable boulder factories, which have been shut down as if the operatives had suddenly gone on a strike. Apparently the summit of Washington was such a factory, for it is everywhere strewn with

rocks. They were used in building the first structures for the shelter of man; but it has everywhere been so "improved" by his works, his railroads, and his hotels, that some of the other peaks afford a better opportunity to study the boulder-maker methods. Perhaps the summit of Adams shows the process better than any other.

The summit of Adams is a moderately steep eminence; but instead of a smooth ledge, marked with glacial scratches, it is a veritable bed of boulders. One observes that they are angular with sharp corners. On their exposed surfaces they are rough, for the rain and snow has eroded somewhat the softer portions, leaving hard protuberant nodules where a harder substance, perhaps an ancient marine shell, was imbedded in the ocean mud of which they were formed. At first one is puzzled to account for this multitude of stones, the more so perhaps because the rock pile extends farthest from the summit on the northerly side of the mountain in the direction of King's Ravine. By what means could the glaciers, those great sheets of ice flowing from the north, have deposited such a bed of rocks on such a place? If, however, one looks carefully as one reaches the summit he will then see that the summit was the quarry from which they were taken. Beneath the loose boulders lying at the surface he will see boulders only slightly moved from their native bed, while others are well out of it, but still near enough so that the place whence they came may be

identified. In imagination we can now see how the boulder-maker first inserted his wedges of ice and frost in the crevices of the ledge, and having thereby broken off fragments, they were seized upon by the ice, as, forming from the snow, it flowed down the side of the mountain.

Geologists tell us that this work on the mountain summits occurred later than the true glacier period, in what is sometimes called the Champlain period, or the time when the true glacier period was subsiding; and they point in confirmation of this theory to the fact that these boulders were natives from the mountain quarry, and were dispersed radially in all directions from the summit, though more largely on the northerly side.

Diverse, strange, and sometimes fantastic are the changes which have been wrought in the venerable piles of the White Mountains by the hand of time. In the Franconias there is that solemn profile, the Old Man of the Mountain, sending his steady gaze among the mountain-tops. There, too, is the Flume, a canyon on the mountain side, cut out by the action of the elements.

But why attempt an enumeration? Everywhere among the White Mountains are glens, dells, ravines, gorges, cuts, sprightly brooks, water-falls, cascades, emerald pools, rocky peaks, commanding views, each with its especial features of interest or enjoyment.

If only the classic Greek, with his vivid imagina-

tion, highly personal religion, fine artistic sensibility, and close communion with nature, had been given an opportunity to study her sculptures in the White Mountains, what inspiration for his temples, what legends, and parables would he not have found and left in verse or chiselled stone, a heritage for future ages!

By the Indians of New England the vicinity of the larger ranges was avoided from a feeling of superstitious awe. The name which they gave to them was *Agiochook*, which is translated as "The abode of the Great Spirit." Of the thirteen tribes, or more properly bands of the same tribe, for they were all Algonquins, which inhabited the territory now known as New Hampshire, one, the Pequaketts, dwellers in the "Crooked-Place," from the circumstance that their village was on an ox-bow of the Saco River, were also known as "the pious Pequaketts who worshipped the great Manitou of the cloud-capped *Agiochook*." According to Josselyn in his "New England Rarities" (Published in 1672) Mt. Washington was believed by the New England Indians to be the mountain upon which the race was preserved at the time of the deluge; *Powaw* and *Webb*, the Noah and his wife of the red man, foreseeing the flood, escaped to the mountain, and thus avoided the fate which overtook the rest of mankind, thereby preserving and perpetuating the race.

One of the most mysterious figures in Indian

"PAPESACONAWAY"

annals was Papesaconaway, "son of the bear," more often written Passaconaway. He was Sagamore of the Penacooks and at one time Bashaba of all the New England tribes. In his younger manhood he was a warrior of note, but in his latter years he was more famed as a medicine man. Elliot, "The apostle of the Indians," whose preaching Papesaconaway heard, described him as a "very politic, wise man." By the whites he is said to have gone with the rest of his tribe to the Abenakis on the banks of the St. Francis River, to have lived to a great age, and there died; but his Indian followers entertained a different belief as to his passing. By them he is said to have been carried in the winter time in a sleigh drawn by brindle wolves to the summit of the Mt. Washington, and from thence to have been translated to the happy hunting-grounds, the heaven of the red men.

Why did the snowy peaks of the White Mountains inspire this reverence in the minds of the rude man of the forest? Why did he call them "Agiochook, the abode of the Great Spirit?" what restrained him from entering their shadowy defiles, or scaling their summits. Why should the "pious Pechwackitts" worship the Manitou?"

Why did the ancient Greek with equal awe look upon the glistening peaks of Olympus? Who taught him that they were the abode of Zeus?

What of Horeb, the mount of Olives, Ararat, Sinai? Who taught the Hebrew of Jehovah, of his

tabernacle, His sacrifices, and His commandments? Why do Jew and Gentile alike turn to Jerusalem? Why turns the Musselman to Mecca?

Why does man everywhere, in all climes, times, and places, find something which he would adore, something whose favor he seeks, whose wrath he would propitiate? Why?

CHAPTER XIX.

THE VOICE OF THE GREAT MANITOU WHO DWELLS IN THE CLOUD-CAPPED AGIOCHOOK.

It is sometimes said that there are those who believe in no Supreme Power that governs in the universe. We have in our language the words atheist, infidel, and agnostic. These words are popularly supposed to import such a doubt. Yet we sincerely question if any person of intelligence ever lived who was not impressed with a belief in the existence of a Supreme Being. If the reader doubts this, he may glance back over the past, and certain names may flash across his memory. He may say of some of these, that was the name of an unbeliever.

Perhaps one of the first names to cross his mind will be that of Thomas Paine. Certainly no man was ever more bitterly execrated than was he in Puritan New England; and yet on the first page of his book "The Age of Reason," which expressed his theological views, he says:

"I believe in one God and no more; and I hope for happiness beyond this life."

And again in the same publication, in speaking of revelation, and a Word of God he says:

"It is only in the creation that all our ideas and conceptions of a word of God can unite. The Creation speaketh a universal language independently of human speech or human language, multiplied and various as they be. It is an ever-existing original, which every man can read. It cannot be forged; it cannot be counterfeited; it cannot be lost; it cannot be altered; it cannot be suppressed. It does not depend upon the will of man whether it shall be published or not; it publishes itself from one end of the earth to the other. It preaches to all nations and to all worlds; and this word of God reveals to man all that is necessary for man to know of God."

From the above it must be plain that, however much he may have differed from the theologians of his time, Thomas Paine was not a disbeliever in the existence of a Supreme Being.

Another name which suggests disbelief is Voltaire. It is doubtless true that he was less frank in his avowal of a feeling of communion with the Infinite than was Paine; but an examination of Voltaire's writings discloses the fact that his quarrel, like that of Paine, was more with the theologians than with a belief in God. At times, too, even his dislikes of the theology of his time gave away, and he accepted the consolations of the established church by attending at confession and receiving the Eucharist.

Of those who have posed as agnostics in recent

times, one of the most widely known was Robert G. Ingersoll. At one time he is said to have expressed doubt as to the existence of a Supreme Being; and to have apparently inclined to the opinion that the evidence in favor of the non-existence of God preponderated. But, like Paine and Voltaire, Ingersoll had his differences mainly with the theologians, and over points of theology; matters in which opinions are constantly changing. Besides, there was a noticeable change in the radical tone of Ingersoll's utterances as his opinions ripened toward the close of his life. However, Ingersoll, Paine, and Voltaire each and all furnish much negative evidence in refutation of any such supposed disbelief on their parts, for with each the subject was one of absorbing interest, of which they never tired. If they were contented and assured in their supposed disbelief—why did each feel called upon, often at much personal self-sacrifice, to protest against certain conceptions of the Deity which seemed to him crude, and unbecoming the fact of intelligent cause and effect? Men do not engage in warfare on issues to which they are indifferent. The fact that each could not let God's name rest under supposed aspersion shows that each experienced, perhaps without knowing it, a consciousness of His presence.

But it is no part of our present purpose to enter into a defense of supposed atheists. That any person of intelligence at all familiar with the laws of

the universe should entertain agnostic views is a surprise to most. They appear to be never entertained by men close to Nature and in intimate communion with her. Such beliefs are bred, if ever, only in the artificial atmosphere of hypocritical metropolitan existence. The man of the forest and of the field, from Abraham to Passaconaway and Wordsworth, if endowed with a mind capable of meditation, is never an atheist.

How can it be otherwise? What is modern science? Is it not an effort to unravel a plan, a method? What is Darwin's treatise, "The Origin of Species," but an attempt to disclose the method by which the human race has been evolved? But method in and of itself never accomplished anything. Back of the method there must be a motive power. Without it, a method were simply an engine without steam, incapable alike of initiative or motion. All of that vast body of learning which we call natural science, from chemistry, which deals with atoms too small to be appreciated by the human senses, to astronomy, dealing with distances and bodies incomprehensibly great, is but the more or less successful effort of the human mind to discover a pre-existing plan of action.

What, then, is the deduction of all of modern science? Is it not that within the limits of the universe which are accessible to finite human beings, a plan exists which is comprehensible to the human mind? And if so comprehensible, is it not the prod-

uct of an intelligence which ours must resemble? Why does the reader understand this page? It is because it is written in a language with which he is familiar. He understands because he knows English, is familiar with its symbols and signs. It follows, too, since he understands it, that English is a language comprehensible by the human mind; is in fact adapted to human intelligence, and is the product of an intelligence akin at least to all who understand it. Natural science is but the language of the universe, and if man can understand it, it follows that the mind which produced it is a mind to which his is akin. But since the language of nature never changes and pervades the universe, it follows that the power which brought it forth is eternal and omnipresent—God.

Thus we see that it was by no mere chance that the Pekwaukets worshipped the great Manitou of the Agiochook. In the presence of such a wonder of the eternal and the omnipresent these unlettered red men could not but comprehend the word which was spoken.

Neither does God always speak in prose. At times our attention is called from the stern mathematics of the universe to subtle forms of beauty which no human art can rival and with which no human verse can compete—the poetry of mountain, stream, and ocean, and we see that the all-pervading intelligence is the God of beauty no less than of utility.

At such times, while standing within the influence of one of nature's great works of art, like the groups of the White Mountains of New Hampshire, the soul of the man seems to go out to the Soul of the Universe and to hold with him unrestricted intercourse.

And why should not the soul of the finite go out without fear and without reserve to the soul of the infinite? If they are alike, though separated in degree by a chasm however wide, is it but natural that the lesser should seek the companionship of the greater? Since we are but motes in the sunshine of His presence, and, being incapable of producing ourselves, must have been produced by Him, is it not natural that the soul of man should seek the soul of all-God?

But though the voice of God may be ever present, there are times and places when the call seems more plainly to be heard. Such a time is when the traveler, having painfully toiled upward through the timber on the mountain side, breaks through the stunted growth and comes out into the open above the timber line. Below, separated by the forest, are the habitations of man, while above is the open sunlight and the mountain summit. Then he feels as if he had been translated from the world with its sordid motives and its trying cares, to breathe the free air of a purer world. If one listens a voice seems to speak.

Reader, let us stand on the summit of Adams, in

the factory of the Great Boulder-maker, and there, with the half-finished work of the Infinite Intelligence strewn at our feet, let us listen, if perchance the Soul of the universe shall speak to us. Thus with bowed head and open hearts we wait; and waiting, hear a voice—

MAN—Whence comest thou, oh Voice?

VOICE—From Him who, in former time, the rude inhabitants of yon fruitful valleys worshiped, the "Great Manitou of the cloud-capped Agiochook." To my voice they harkened, and, though rude, savage, and unlettered, they harkening heard, and as best they knew obeyed.

MAN—But whence comest thou, oh Voice?

VOICE—From Him who in former times in ancient Assyria men worshiped as Ashtohoth, the god of learning, who brought them understanding and the blessings thereof.

MAN—But whence comest thou, oh Voice?

VOICE—I come from Him in former times in ancient Israel men worshiped as Jehovah, a God quick to anger and mighty to destroy. The God of War for an unfortunate and oppressed people.

MAN—But whence comest thou, oh Voice?

VOICE—From Him who in ancient Greece men worshiped as Zeus, father of gods and men, a calm but sensuous deity who ruled the universe with his power, and destroyed the offending with his lightnings.

MAN—But whence comest thou, oh Voice?

VOICE—From Him who in ancient Rome was called Jupiter; stern, implacable, but just as became the god of the rulers of the world; cruel withal to fallen enemies.

MAN—But whence comest thou, oh Voice?

VOICE—From Him who in the shadowy forests of the Rhine men worshiped as Woden, the god of a warlike people whose delight was slaughter, and whose greatest boon was the promise of resurrection from a warrior's grave.

MAN—But whence comest thou, oh Voice?

VOICE—From Him whom the Christian calls father; the Moslem *Allah,* whom all mankind in all places have called God.

MAN—What and who art thou, oh Voice?

VOICE—I am a voice, a messenger sent to the heart of man.

MAN—To whom comest thou?

VOICE—I come to all.

MAN—When comest thou?

VOICE—Whenever one will listen, be it in the darkness of the night or the glow of noonday, in solitude or in multitude. I am eternal, always present, and ever ready to enter the open ear.

MAN—Why do not men oftener hear?

VOICE—Man is a busy creature, engrossed sometimes with pleasures, but more often with the stern realities of life. In the sweat of his body must his bread be eaten. 'Tis only when he may pause to listen that he hears.

MAN—If, oh Voice, thou comest from Him who men in all times have called God, tell me whom and what He is.

VOICE—The soul of the universe, what life is to the body, that same is God to the whole round world, and the ocean of space in which it floats. The so-called laws of nature are but partial and meager statements of the never-failing effect of His vivifying presence. Mathematics, physics, gravitation, chemical affinity, astronomy, are but the names given to groups of allied attributes of God which at times have been observed and arranged in order the more conveniently for man to memorize.

MAN—How may I know this?

VOICE—By observation, and meditation. Is not the whole universe in constant motion? So far as thy puny intelligence may discern, is not all movement on a rational plan. And is it not the cause and effect from which all life results? At times, too, when in the presence of His masterpieces, as you are now, do you not hear his voice?

MAN—Where, Oh God, is thy home, and where thy dwelling-place?

VOICE—Seest thou the bright sun? It is there. Seest thou yon distant star? It is there. Look yet again as far as the eye can penetrate, to the very outmost bound of human knowledge. It is there.

MAN—How may I know this?

VOICE—Go ask the astronomer. Can he read the spectrum of the sun? Then must he know that

in that fiery orb a law prevails which also has existence on this earth. An intelligent and uniform rule of action bespeak an intelligent and consistent author. Inquire of him, too, of the most distant star whose analysis his most powerful instrument will disclose; his answer will be the same.

MAN—But where, Oh God, is thy home, and where thy dwelling-place?

VOICE—Go search out the smallest point of matter which human sense may yet discern. Lo, there is my home.

MAN—How may I know this?

VOICE—Go seek the chemist, and the cunning worker with the magnifying glass, and ask if ever either has found an atom too small for a demonstration of my invisible presence. When he has answered thee, then shalt thou know that I am found in all space, however small or yet however distant.

MAN—Art thou then ever-present?

VOICE—Yes, ever-present.

MAN—When was the time when thou wast not?

VOICE—Never has there been a time when I was not, nor can ever be. Many millions of cycles of the earth round its sun have passed and many more shall follow, but I am neither older nor younger than before. Nor can I ever be. The same am I yesterday, to-day, and forever. My laws are ever young and ever old, and always act with equal force.

MAN—Why, O Voice, are there in present times no prophets, no readers of thy word?

VOICE—And are there none? Hast thou ever heard of Newton?

MAN—Aye. Yet surely Newton was no prophet?

VOICE—Was not Newton a man, and did he not speak with the lips of man? Know, then. One day when he was cast in meditation deep, I spoke to him and in the ear of his inner consciousness, I whispered "Gravitation," that which holds the earth and spheres in their places;—and he listening received the word and straightway proclaimed it to your race. Now wherefore sayest thou there are no prophets in these days?

MAN—Were there no other?

VOICE—Many. To whomsoever the voice of the universe a secret tells, that same is a prophet of the Ever-present and the Eternal. Hast never heard of Copernicus, Galileo, Kepler, Darwin? Never as in recent years were my prophets so many.

MAN—But surely not Darwin. Was not he an enemy to Scriptural truth?

VOICE—Never. Who so repeats but the message given to him can not deny the truth of the Scriptures. The last and final book of the Scriptures is the universe, which all must read and which some few learn better than the rest.

MAN—O Thou Eternal, Ever-present Intelligence, grant this my request?

VOICE—Name it. Then will I decide?

MAN—It is this: In the valley below is humanity with all its sins; grant that in thy presence and in

this close communion with thee, I may ever remain.

VOICE—What, so soon?

MAN—Is it not a proper and desirable request?

VOICE—What? On this mountain-top ever more to remain? No, my son. It may not yet be. Back to the earth, to humanity with its grossness and its sins, its struggles and its victories, must thou go. There only as thou strugglest in thy upward way canst thou achieve the strength which is the end and object of thy mortal existence.

MAN—Yet this thing will I ask—"If a man die shall he live again?"

VOICE—What sayeth revelation? Is not the answer there?

MAN—Many there are who in revelation a perfect answer find to all their questionings, and are happy. But some there are of mind so mathematical, that only thoughts expressed in the language of cause and effect can they hear or hearing understand. Is there no word for them?

VOICE—Those who only read the language of the scalpel, the crucible, the test tube and the microscope, appliances of science, must with those same delve if perchance an answer they would find. If such an one thou art, back to the abode of men betake thyself, and with the scalpel, crucible, test tube and microscope fret out thy brief day.

MAN—Is there then for such no hope of present answer?

VOICE—Read ye the words of the Greek philosopher?

MAN—Socrates, the philosopher? his words as transcribed by Plato. We studied over—and true it is, as said Socrates, that when man is born into this world, a helpless infant, he soon displays a knowledge which his brief span of life could never have acquired, thereby arguing a previous existence, but is that all?

VOICE—Yet one thing more. Do any of your wise men, your chemists, philosophers, men of science, tell you of a single atom of matter that has ever ceased to exist?

MAN—No, never. Fire, which consumes the lump of coal, does not destroy, but converts to substances seemingly different. The same is true of all other changes.

VOICE—And do they tell you of the loss of any, the least amount of energy.

MAN—No, never. Electricity, may become heat, motion, light: and many are the transmutations of force, but none, so far as known, is ever lost. The sun's most glorious rays poured with prodigal display into space may become scattered and diffused, but never does its influence cease.

VOICE—Is there then upon this earth a single thing except it be thy life, that is not known, so far as human might may know to be eternal?

MAN—Nothing.

VOICE—Then if thou, too, be of a mind mathe-

matical, be this thy star of hope: That as the Greek philosopher discerned life before birth, and so far as known no substance, force, or energy exists but which, passing through successive changes still exists. So mayest thy intelligence, thy life, and all that is in thee, but find in death a change from this cramped sphere to one of larger scope.

MAN—Yet one prayer would I prefer—'Tis this: O Thou Ever-present, Eternal Intelligence, Soul of the Universe—God. Teach me thy way. May I conform thereto!

CHAPTER XX.

OVER THE RANGE.

THE Appalachian Mountain Club, an association whose purpose is the study of the mountains of the Appalachian system, including the White Mountains, the cutting of paths and erecting guide-boards, and the building and owning of houses of refuge, has built such a hut in the col between Mt. Madison and Mt. Adams. This hut was built primarily for the accommodation of the members of the club, and was supplied with cooking utensils, bunks, and blankets. In 1886 it was open for the accommodation of the general public as well. It was built of stone and mortar. No one lived there permanently. It was just above the timber line.

It was then often used by parties from Berlin and vicinity as a lodging for the night during a trip across the "Range," as the Presidential group is also sometimes called. To make this trip, one goes to the summit of Washington by one of the various routes, from there walks over Clay, Jefferson, and Adams, a distance of six miles to the "hut," thence three miles through the forest down the side of the

mountain to the Boston & Maine Railway, or to the Ravine House, the hotel at the foot of the mountain, thence to Berlin by carriage or train. All the path from the summit of Washington to the hut is above the timber line. The distance from Berlin by the carriage-road to the summit of Mt. Washington, and back by the way of the trip over the "Range," is about thirty-seven miles. The distance from the summit of Washington to the Boston & Maine Railway, eleven miles, must be traversed on foot. Other portions may be traveled by a conveyance. The trip may be made as well in the reverse order.

Such trips were often made by Berlin parties, and were much in vogue by the younger members of the community, parties of six or more, composed of young men and women, chaperoned by one or more married ladies, being quite common. By preference spring or fall was chosen, as the summer time often found the "hut" crowded of a night, when more than could find convenient accommodation reached it, too late in the day to reach any other destination.

It thus came about that in the latter part of May, a party consisting of Mr. Dooley and his wife, who was to act as chaperon, Miss Pillsbury and Thorndyke, James Freeland, Thorndyke's former rival, and a Miss Jennie Wirth,—an estimable young woman who was escorted by Freeland,—was formed to take the trip. It was arranged to go to

the summit of Washington, by the way of the carriage road and from thence on foot to the "hut," where the party was to remain over night. As the fare for each passenger over the turnpike up the mountain was five dollars, and two dollars from Berlin to the base, the young men hired conveyance for themselves only to the base. This arrangement was the more satisfactory to Thorndyke, for, as usual, his supply of funds was limited, and even with this saving the carriage for himself and Miss Pillsbury was seven dollars, while there were other expenses in the way of provisions, etc., which brought the total to about ten.

As they intended to make the trip from Berlin to the "hut" the first day, and moreover wanted to reach the summit of Washington before sunrise, they decided to start early, in fact the night before.

Thus it came about in the evening of the last Thursday of May, 1886—Thorndyke's Diary gives it as the 28th day of the month—a carriage containing the six young people and the driver, drawn by four horses, left Berlin at about eight o'clock. Six miles below Berlin, on the Androscoggin, is the pleasant village of Gorham, a popular summer resort. As they passed through, many lights were shining from the dwelling-houses, and the doors of some of the stores were still open. It was a pleasant evening, though cool. The stars were shining.

By eleven o'clock they had reached the turnpike at the base of the mountain. The party alighted, a

small fire was kindled, and tea made, and a small lunch was served by the ladies. In the meantime the horses were being fed. What a feeling of comfort is always produced by a fire in the night! One is not wholly away from home if he can bask in the warmth of a good blaze. But this stop was of short duration. By one o'clock the packs containing the provisions, which were to be carried from the summit by the men, had been stowed away beneath the seats, and the three ladies had taken their places in the carriage. The fire was carefully put out, and the ascent of the mountain began. At this time clouds beginning to appear in the sky shut out some of the stars.

Perhaps the best time to make the eight miles up the carriage-road to the summit of Washington is after dark. It is then cool and quite as agreeable walking as on a hot sunshiny afternoon. Just at the edge of the timber line is the Halfway House, where the party stopped a few minutes while the horses breathed and got some relaxation from the tiresome strain of walking in one position, for it is one continuous up-grade from the base to the summit, up, always up. It was now half after one, and darker than any other portion of the trip. Hitherto the road had been through the forest but from this time on it was in the open.

They were halfway from the Halfway House to the summit when at about half after two the darkness began to lighten and a faint glow began to

appear in the east. They missed the usual song of the birds, for the robin and other field birds do not often nest on places so elevated, preferring the valleys, but the beginning of day was grand. First the faint glow above spoken of, then streaks of light as the rays of the sun, finding a depression between hills on the horizon, mounted higher in places toward the zenith. They kept plodding on however, looking back occasionally to note the changes in the east, and at about half after three o'clock the ladies alighted from the carriage in front of the turnpike stables, while the men who were only a few rods behind, soon joined them. It was quite light. They walked the few rods from the stable to the Summit House, and taking seats on the floor of the piazza facing the east waited for the sun to appear. Gradually the twilight passed, and at length they were able to see the top of distant hills quite plainly. Soon strong rays of light struck the eyes, and there was a place on the horizon where it was painful to gaze; the sun was beginning to peep over the distant hills! while around them, the white walls of the Summit House, the rocks, and even the green lichens growing upon them took on a golden hue. Thus they sat and noted change after change; gradually down the mountain-side the golden color crept as the sun mounted higher. On all sides the tops of the other mountains, Adams, Jefferson, Monroe, Madison, took on the same golden tinge; and later lesser hills and then the valleys, until all the earth

seemed bathed and vivified by the sun's genial and life-giving rays.

Is it strange that men have worshipped that most glorious orb? Do not we to-day worship the power, the life which the sun by its presence proclaims?

But man is of the earth earthy. He must forever turn from the sublime creations of nature to the commonplace, but more insistant demands of our being. Even on Mt. Washington he must eat to be comfortable; and, if he has walked eight miles up the turnpike and he be blessed with average health, he will reach his usual meal with a good appetite.

The Summit House is not usually open for guests until the first of July. It was not then open for the servants, who come in advance of the summer guests to prepare it for their reception. The doors and windows were barred and bolted. But a little down the mountain near the stable is a small building, used by the turnpike company as an office. The driver had a key to this building, and they found within, a stove, some wood, a few cooking utensils, including a coffee-pot, and a rough table. Judged by what is expected of the ordinary housewife one would not praise the housekeeping; but judged in view of the fact that, as they were the first party of the season to make the ascent, it had probably not been entered by man since the fall before, it was cleanly and homelike. And so the thoughts of the members of the party were brought back to things

mundane and centered upon that ever-recurring necessity—a meal. The driver knew of a spring not far off from which he obtained water for the horses, and one of the young men brought some for coffee, which was soon made. Then the provisions were brought from the carriage and breakfast was ready.

They did not hurry after the meal, but sat around the rough table and talked and told stories. All were somewhat tired with their experiences of the night, and it was as late as eight o'clock when they again came out of doors. A notable change had occurred in the aspect of the weather. The sun was no longer shining clearly, but glowed dully through a bank of broken clouds.

Thorndyke took his pack and threw it over his shoulders.

"We had better hurry along," he said, "or a storm may come up and catch us before we get over to the hut."

"Mrs. Dooley wants to go out on to Bigelow's Lawn" (a considerable plateau on the easterly slope of the mountain) "and see if she can't find some eidelweiss," said Dooley.

"Miss Wirth wants to go too," said Freeland.

"What do you say to our going along ahead?" said Thorndyke to Miss Pillsbury. "We could have a fire built and get the hut dried out before the others get there."

"I don't care," was her reply, which was under-

stood by all, including herself no doubt, as an assent.

"How long will it take you to go to Bigelow's Lawn?" asked Thorndyke.

"Oh, not more than an hour or two, I should think," answered Dooley.

"All right," said Thorndyke, glad of the chance for a quiet talk with Miss Pillsbury. "We will go ahead slowly, and if we get there first we will have a fire started." And he and his companion started slowly up by the Summit House and down by the railroad on the other side of the mountain.

But Bigelow's Lawn is deceptive; not in the sense that one is liable to fall into a pithole or over a precipice; but because there is so much of interest to one who admires Alpine plants. Mrs. Dooley had been there once before, and had found eidelweiss, and expected to find it in the same place again. But it was a long time before she found the same spot, and then as it was in a ravine it was still covered with snow. Her former visit had been made later in the season, after the snow had had time to melt. But most of the mountain was bare, and there was so much of interest, Labrador Tea, Greenland sandwort, flowers, grasses, and lichens, and, finally, the eidelweiss, that the party prolonged its stay beyond its intention. When they again reached the turnpike office it was past ten o'clock. The team had started back soon after breakfast.

During the time they had been away the clouds

had been gathering. The sun was invisible. "I wish we had kept the team, and that Dykey and Belle had not started," said Dooley.

"Well, we didn't keep the team, and they have started," said Freeland.

"I am afraid it will rain before we can get there," said Dooley, thinking of the hut on Madison.

"If Belle and Dykey were here we could walk down to the base, or if we wanted to we could stay over night here," said Freeland.

But Miss Pillsbury and Thorndyke were two hours gone, and it was decided with considerable misgivings to start for the hut, in the hope that it would be reached before the storm came on, if one were coming. Accordingly the men slung their packs containing their provisions on to their shoulders and the party started up over the summit by the Summit House and down beside the railroad on the opposite side. At first their way was beside the railroad, but it soon drifted off to the west. For three-quarters of a mile their course was down the mountain, then they should come to the col between Washington and Clay. They had reached this point when, for the first time, a mist-like fog passed over them. Looking back they saw that the summit of Washington was in a cloud. They stopped a moment, uncertain what course to take. Ahead was Clay, its summit much lower than Washington's, but small patches of mist were drifting over it. It was growing cold.

"If it wasn't for Belle and Thorndyke I should be for going back to the turnpike office as quickly as possible," said Mrs. Dooley.

"We must do it anyway," said Dooley, decisively. "It is all of seven miles to the hut; and if the clouds keep on gathering as they have for the last half hour it won't be long before we shall be in a dense fog, when we can't see a rod ahead."

"I am afraid Belle and Thorndyke will get lost," said Mrs. Dooley.

"We couldn't help that if we tried. They are so far ahead of us that we should not overtake them till we got to the hut, and if they are to get lost it will be before then," said Dooley.

"I hate to leave Belle in that way," said Mrs. Dooley.

"There is no other way," said Freeland, breaking into the conversation. "The thing for us to do is to make for the railroad as fast as we can and then follow the track till we get back to the Summit House; then we can find the turnpike office."

They were then about a quarter of a mile from the railroad, which was plainly visible across a comparatively smooth stretch of the mountain-side. Even while they talked, patches of mist had been floating over them, and they began to feel the dampness in their faces. There seemed to be nothing to do but to follow Freeland's suggestion, so without further debate they all started for the railroad track. They hardly reached the track, before the mist

settled down and shut out observations altogether. When they had reached the track they were comparatively safe, for though the mist continued to increase in density, they kept the railroad track without much difficulty, and eventually reached the turnpike office, quite wet, but in good spirits, and otherwise in good condition. A fire soon dried their clothing, and except for their anxiety for Thorndyke and Miss Pillsbury they were comfortable.

Meanwhile how fared it with them? When they first started from the turnpike office they had not hurried. Like all lovers, they were occupied mainly with themselves and with each other. Dame nature is a shrewd mother, and if left to her own devices will usually mate her children in congenial pairs. She has a trick of engaging her intended couples in a discussion of their likes and dislikes. It is interesting to the participants because, indirectly, it is about themselves and about each other; and it is useful because it appraises each of the other's peculiarities of taste. Where there is too much dissimilarity it breeds dislike, and so prevents an unhappy marriage. Where tastes are similar, the parties find ever-increasing subjects of common interest, and their attachments for each other are strengthened.

It would seem as though Thorndyke and Miss Pillsbury had discussed every imaginable subject, from systems of house-heating to the primitive re-

ligious beliefs of mankind; but still they were not weary, and when perchance a new subject was discovered they hailed it with pleasure. This morning Thorndyke began the conversation with a remark about the Griffin case, and a reminder that next week he expected a decision. He was going to Concord to be present when it was rendered. At the mention of Concord they began to discuss the various capitals in the country, the architecture of the various state capitol buildings. They both liked a certain amount of ornamentation, then they found that they both admired sculpture, especially of human figures, etc., and so on and on, ever learning each other, and rejoicing to find that their tastes were so much alike.

Thorndyke was pleased, too, that as they passed off of Washington the path, which here was well defined, became quite rough. There were boulders over which one must climb, some considerably long steps to take, and other difficulties to overcome; and always he was sure to be ready to assist Miss Pillsbury over these places. It was so nice to have an excuse for taking her hand in his, if only for a moment, and feeling the electric thrills, which even this slight contact with her person produced. Thus they wandered on, and were as nearly happy as it is given to us mortals ever to be.

They traversed Clay, and had passed to nearly the middle of Jefferson by the time the rest of the party returned from Bigelow's Lawn. They were nearly

half way to the hut. They had planned to pass on to Adams, and reach a spring of water near the path by noon, when they would stop for a lunch, and perhaps wait for the rest of the party. But at this time they, too, began to take note of the change in the sky. It did not occur to them then that the rest of the party could not overtake them if a storm came on; and that if they were to keep with the others, they must retrace their steps. Thus the effect of the gathering storm was to make them hurry onward, and eventually to put more distance between themselves and their friends.

The path, as it goes down from Jefferson on to Adams, passes over some of the roughest ground in the whole journey. In places it is rather difficult for a woman, even with the assistance of a man. Thorndyke had assisted Miss Pillsbury across these difficulties, and they had begun to pass along beside the precipice at the head of the great gulf, and on to Adams, when the first patches of mist floated over them. They were about two miles from the hut and about four from the summit of Washington.

"I wish we were with the others," said Miss Pillsbury.

Thorndyke made no reply, but kept trudging along.

"Don't you think we had better wait for the others?" she said, stopping.

"We don't know where they are, or how long before they will come," he said.

"I don't feel like going any further without them," said she, sitting down on a stone.

He stood beside her a moment, and then, as another patch of mist drifted over them, he said:

"We must not stay here a minute. The clouds are coming up, and in a little while it will be hard to keep the path. Come," and he started along.

"Hadn't we better go the other way," she said.

"No," he answered decisively. "It is more than twice as far and the path is not as good. Come, we must hurry and get to the hut as quickly as we can."

He started forward, and she followed with a feeling of vague apprehension.

Adams above the timber line is something over two miles long by a mile wide. The distances are approximate. It has three summits, the lowest, at the northerly end of the mountain is sometimes called John Quincy Adams, and the other two North and South John Adams. Their path to the hut led along the easterly side and up the mountain, crossing between north and south John Adams to the westerly side, thence along that side to the col between Adams and Madison, where the hut was located, on the slope of Madison, just across a little brook. The last half of the way over Adams the path is over rocks, and the last eighth of a mile through a patch of scrub spruce growth, and is well defined; but for the first half, the country is comparatively smooth and there is hardly any well-

defined path. The way, however, is marked at intervals of three or four rods by little piles of rock called cairns, a foot or two in height. If the clouds and mist did not become dense these could be readily followed; but if the trail should be lost they might wander helplessly on the mountain, or perhaps stumble over a precipice to a horrible death. Thorndyke had been over the route before, and was fully aware of the dangers. For this reason he insisted upon hurrying forward.

As they ascended the mountain the mist thickened; soon it it became difficult to see from one cairn to another, and at length impossible. Once they lost the trail for a few moments and were much distressed until they found one of these small piles of stone.

"Are you not afraid we shall get lost?" Miss Pillsbury inquired, when at last they were standing beside the cairn.

"No," resolutely.

"My clothes are wet through, and I am cold," with a shiver.

He unslung the pack from his shoulders, and threw it on the ground. Opening it he took out his sweater, and insisted that she put it on, helping her the while. It gave her a rowdyish look which even then made him smile.

"You would make a good-looking boy," he said.

"Which way do we go?" she inquired, ignoring the intended compliment.

"I don't know."

"What are we to do?"

"Well, when in doubt the sure way is the best way. Stay here until I find the next cairn, and then I will call you."

She did as he had directed. In an instant his form disappeared. What if she should not see him again and be left alone on the mountain in the mist.

"Thorny," she called.

"Hello!"

"Don't go so far that you can't hear me."

"No."

Soon he found the next stone heap, and he called to her to come to him, which she did, guided by the sound of his voice.

"Now," he said, "I have got the direction a little, and I guess I can find the next one quicker. Stay here till I call."

"I hate to have you leave me."

"I hate to do so, my dear, but we must keep our wits about us, or we shall be lost. If we keep cool we shall come out all right."

"It's easy to keep cool in this storm," she replied.

Again he went forward and soon called to her again. Then she went forward. Thus they proceeded. She waiting by one cairn until he had found the one ahead, then he would call to her and she would go forward. It was slow work, but the only sure way. Gradually they made their way along

the mountain-side. Once when their way led along beside a bank of snow which the summer sun had not yet melted, he halted and threw off his pack. A little rivulet formed by the melting snow trickled at his feet.

"What are you going to do?" she inquired.

"Dinner," he replied laconically.

"What time is it?"

"Noon, a little past."

"Are we most there?"

"We are not up to the top of the mountain yet."

"I don't feel hungry a bit."

"You had better eat something; you will feel better if you don't get too hungry."

He took a cup out of the pack and dipped it full of water from the stream and handed it to her. She drank it and handing the cup back remarked:

"It seems queer, but when one is away on a trip like this one can eat or drink anything."

"Fresh air," was his laconic reply.

He then took some bread and butter from the pack and soon they were sitting on some stones, eating their meal in the chilling mist.

"How much farther have we to go?" she asked, as he was replacing in the knapsack such of the food as had not been eaten.

"I should think we had made three-quarters of a mile in the last two hours," he said, "We have about a mile and a quarter to go."

They were now nearly between north and south John, the highest elevation in the journey over Adams. The mist was now so thick that one could scarcely see the ground he walked on, while it wet one's clothing like a shower. They were in fact in the heart of a rain-cloud. Fortunately for them the wind was not strong; and such as there was, was at their backs. Again slinging the pack over his shoulders he started forward to find the next cairn.

"Let me go with you," she said.

"No."

"It is so lonesome waiting alone, when I can't see you."

"What if we should lose our way altogether? No, you stay where you are by this little pile of rocks until I call." In a tone of command.

"All right," she replied, in a tone of resignation. It gave him pain to appear unkind to her; but he felt that the safety of both depended upon her remaining at one cairn until he had found the next. Their position was perilous. Once off the path and away from all land-marks and they would be lost. But they were both young. Fortunately they realized their danger, and had the patience to go slowly enough to keep the track, Sometimes he had to search several minutes before he could find the little pile of stones that meant so much to them. Fortunately, too, they had traversed the more open ground before the mist became the thickest, and Thorndyke was then able to trace footsteps in places

and sometimes a fairly well-defined path. Thus they passed between the two peaks of North and South John Adams and on to the westerly side of the mountain.

"Hello!" he called at last, "good news, come quickly."

She did so.

"What is it?"

"Here we are at the rock pile. I think there is a fairly plain path the rest of the way."

The rock pile was a bed of rocks which makes down from the summit of John nearly to the head of King's Ravine. The boulders are rough, angular and jagged. They would be difficult to walk over had not the Appalachian Club built a path across them by having the stones laid on their sides and filling in the crevices with small boulders, thereby making a fairly smooth walk. In fact the Appalachian Club have been to the expense of most of the paths on this portion of the range, and had erected the cairns which had stood Thorndyke and Miss Pillsbury in such good stead.

The danger was not entirely over, but they could proceed much faster, for they could readily follow the path, and beside they could keep together, which was much pleasanter for both. Once they again almost lost their way, but not for long, and at length they went through the little patch of scrub spruce where the path had been cut, down to the little brook, across it, and at length stood in front of the hut.

Thorndyke soon removed the shutters from the door and Miss Pillsbury went inside. He next removed the shutters from the windows, then went to the rear of the building, ascended the short ladder to the roof, and removed the flat rock which is kept over the chimney when the building is not in use, and then he, too, sought the shelter of the hut.

If the discovery was made by a single individual, the greatest benefactor and the greatest intellect the human race has ever produced was that unknown prehistoric savage who first discovered and taught the method of preserving or kindling fire. He drew a line between man and the rest of the brute creation which has never since been crossed.

The first care of Thorndyke and Miss Pillsbury was to build a fire. It is a rule of the Appalachian Club that the woodbox must always be left full of wood. The reason is obvious. Wood is plentiful in the immediate vicinity of the hut; but it may be reached by travellers in even worse plight than were Thorndyke and Miss Pillsbury. The box was full of wood and there was kindling on the top of the pile; but when Thorndyke tried to kindle the fire he found that the matches in his pocket were wet and would not light. He should have kept them in some water-proof receptacle. Here was a serious dilemma. He opened the hut door to let in all of the light possible, and commenced a search among the various boxes and packages on the shelves around the room, Miss Pillsbury assisting. They could

scarcely see in the dim semi-darkness. What if they had to wait without fire in their water-soaked clothing until the storm cleared away! Both shuddered at the thought. At last, when they had almost given up the search, she found a bottle tightly corked in which were some matches. Some thoughtful person had left them for the use of whoever came after, and had corked them in a bottle to keep them dry and away from mice.

They already had kindling in the stove, and with considerable anxiety Thorndyke scratched a match: a bright streak of flame on the stove and the match lighted. Soon a fire was burning briskly.

In their search some candles had been found. One of these was lighted, and this added to their comfort. There were no chairs, only long wooden benches and one or two three-legged stools. Thorndyke placed a bench beside the stove and they sat on it beside each other, drying themselves and their clothing. What a comfort the fire was!

Thorndyke had always stood in great awe of Miss Pillsbury. He had all of a lover's fond desire for contact with her person; but his fear that he might offend was ever stronger. There had grown up between them almost a private code of manners. Thus, to take her hand in his would have been rude and, he felt, would have met with reproof; but if by accident his hand touched hers and he felt the electric thrill which such contact brought, being an accident, the incident passed without comment.

On any ordinary occasion it would have been bad manners, for his arm to have been placed behind her; but on this occasion, there being no support for her back, his boldness surprised even himself, for he placed his arm behind her, drawing her toward him with the invitation.

"Lean on me," and she, being weary, did so. Thus they sat, drinking in the comfort of the fire, saying little, but resting and drying their clothing.

Then, as they began to feel the effect of the heat on their benumbed hands and limbs, they commenced to experience the inexpressible sense of comfort which fire and shelter from the storm affords. While they sat thus close to the fire we will describe the hut.

It is a building twenty-four feet long by twelve wide, built of rough stone laid in mortar. It had a shingle roof. There are no partitions. The chimney is of stone. Everything not found on the mountain was brought up from the valley below on the backs of men. There is a door between two windows on the easterly side of the building. There are no apertures in the walls on any other side.

Inside is a cookstove and a variety of cooking utensils, and dishes hung on hooks by the sides of the building and stored on shelves arranged around the room. For sleeping apartments there are four bunks, like the berths in a steamboat, at each end, arranged in sets of two, one above the other. They are each wide enough to accommodate two per-

MADISON SPRING HUT

sons, and take up about four feet at each end of the building, leaving a central room twelve by sixteen feet. Blankets are provided for the bunks, and when not in use are hung over a pole suspended from the roof by wires at each end.

The beds in the bunks are made of fir boughs, which have settled down hard from much use. It is said that no one ever sleeps on them. Many try to; but one lies on them, feeling the hard bed beneath, and, not being accustomed to it, lies awake and thinks about it. Occasionally he may get a cat-nap, but not for long.

When Thorndyke looked at his watch it was half-past four. They must have been at the hut as much as an hour at that time.

When at length they were thoroughly warmed and the one room of which the hut consists was heated almost to the temperature of an oven, they began to feel hungry, and commenced to think about supper.

In making up their provisions each had been required to furnish certain articles, according to a schedule prepared by Dooley. Of Thorndyke he had requisitioned bread and butter, but no meat; condensed milk, but no tea or coffee.

"We shall have to live on what the farm books on feeds call a narrow ration," he observed, as he stood looking at the pile.

"Why?"

"Only bread and butter and condensed milk."

She began looking among the collection of apparently empty cans on the shelf, where they had found the matches.

"Hello," she called joyfully, "here is coffee in one of these cans. It looks all right and smells all right."

"Let us use it anyway," he said.

Further search brought to light a piece of bacon, also stored in a tin box.

Miss Pillsbury's now became the directing mind. Outside in the storm the firm had been Thorndyke & Pillsbury, Thorndyke being the managing partner. Now it was Pillsbury & Thorndyke, he having sunk to a subordinate position in the firm management.

"Now," she said, "get some water and we will have supper."

A water pail in which was a dipper stood beside the wall. He opened the door to go out, but stopped. Between mist and the gathering darkness he could scarcely see. A lantern was hanging from the wall, and, shaking it, he found it partly filled with oil. It was soon lighted and then, calling Miss Pillsbury to the door of the hut, he went out into the darkness.

The wind had changed and now blew from a westerly direction. It was growing colder. He went down the path to the brook and filled his pail; but before he had turned to go back a gust of wind blew out the lantern. Then he had the same feeling

which Miss Pillsbury had experienced when left alone on the mountain while he was hunting for the trail. What if he should be unable to find the hut again? And then he thought of their fortunate escape from the storm. What if they had lost their way and were wandering helplessly on the mountain? He groped his way slowly in the direction from which he thought he had come, and soon found himself in front of the hut, from a window of which the light from the candle inside shone dimly.

Soon Miss Pillsbury had bread toasted, bacon fried, and coffee boiled. Again Thorndyke had the pleasure of sitting down to a meal alone with her. He remembered that other time, ten months ago, the morning before they went onto Mt. Prospect. He had thought the meal delightful then, and he was equally well pleased now.

After supper the dishes were soon washed and put away, and they sat down to spend the long evening, both tired and sleepy from their unaccustomed walk and exposure to the weather. She was sitting on a bench at the end of the room farthest from the stove, leaning against the side of the bunk, while he was sitting in a similar position at the opposite side of the room. What a pretty girl she was, and how bravely she had behaved on their long journey over the mountain. Not a word of complaint. How few girls would have been able to do it, if they had tried! Yes, she was the girl that he must marry, and that he would marry, too, as soon as the Griffin case was

decided. That would probably be next week. And, of course, the decision would be in his favor. He was sure of that. He thought he knew that he would win.

Why, yes, it was an inspiration—why not ask her now? Would it not be romantic in after years to recall that he found a wife, on the mountain, in a stormy night, when they sought shelter in Mt. Madison hut? By George, yes—now was the time. He would ask her now.

For Miss Pillsbury, however, there was a cloud in the sky of her happiness. She, a young unmarried woman, was alone with a young unmarried man in a house far up on the mountainside, and they must remain there for the night. True, the young man was personally agreeable, and she was under no apprehension of rude conduct from him; but she had a woman's instinct, and intuitively felt that her present position, no matter how innocently she had come into it, would afford to any person who chose to be disagreeable, an opportunity to say mean and unpleasant things about her. Occasionally this thought passed from her mind for a moment, but it was ever rising, like Banquo's ghost, to take its place in her consciousness.

"Why," she mused, "was I so thoughtless as to go with him, ahead of the others? He? Oh, he is all well enough in his way; but I wish I was not here, or that the rest of the party were."

Thus it was, that what in his bungling mascu-

line mind he thought to be a particularly auspicious opportunity for declaring his love was in fact the reverse. Moreover, the way in which he commenced was unfortunate. It presumed upon a familiarity which did not exist, and which she at once repelled as tending to lessen her dignity as well as her self-respect.

He crossed the room and took a seat beside her on the bench and presuming upon her supposed assent on the former occasion, he put his arm around her waist.

"Belle," he was beginning; but she interrupted him.

"Take your arm away."

"But Belle," drawing her toward him.

"Sir!" she said rising.

"But Belle," and after a pause, "what's the matter?"

She made no reply in words, but going to where the blankets were hanging pulled down a couple and going to a berth at the end of the room where he had been sitting spread them on the boughs.

"That is for you," she said.

Then she took some more blankets and arranged a bed in a berth in the other end of the room, found a pair of curtains which she hung in front of it and crawled in behind them.

"Belle," he said, "what is the matter? I didn't mean anything, what are you mad about?"

She looked out from behind the curtains for a moment.

"Good-night," she said, "I am tired."

"Good-night," he replied sulkily.

He heard her moving about in her berth and surmised that she was removing her shoes.

So this was all the confidence she had in him, was it? She was afraid of him! Afraid he would offer her some insult, and had thought it necessary to be rude in self-defense. Well, she was a nice girl and a pretty girl; but, fortunately, she was not the only girl in the world. Yes, she had thrown away the chance of a lifetime. She might wait till he was ready to offer her marriage again. She would be older, decidedly older. No, he would never try again to propose; never, no, not when he had won the Griffin case, not when he got to be the leader of the bar of Coos County. But he would work hard, he would succeed, he would become a brilliant and rich man, and some day, when time had plucked some of the roses from her face and planted wrinkles there, and she was a disappointed old maid, he would tell her who she might have been, if only she had not had such a disagreeable temper, and made such use of it the evening of the night which they spent on the mountain.

Thus he mused, "nursing his wrath to keep it warm."

But it is an old saying and true, that a man cannot quarrel alone, and as the object of his ill-feeling

was reposing behind curtains in a berth at the opposite end of the room, his anger began in time to cool. He filled the stove with wood, closed the drafts, and putting the candle and some matches on the bench beside him, extinguished the light and laid down in his berth.

"Yes," he thought, "it will be slightly chilly in the morning. Just a little. I'll freeze that girl." And then he turned over and tried to sleep.

He slept some, notwithstanding the unusual character of his bed, but was up at intervals during the night to replenish the fire. Once or twice he heard regular breathing from the other berth and concluded that Miss Pillsbury was sleeping.

When Thorndyke looked out of the door of the hut in the morning, the mist had grown perceptibly thinner. One could see as far as the brook where they went for water. When he was out for a pailful, he found that he could see the hut quite plainly, and even beyond. Neither did the mist wet one's clothing as it had the day before.

Having got the water and performed his usual morning ablutions he took an ax which he found in the hut and went out to secure a supply of firewood, to replenish the woodbox, so it would be left in the same condition in which he found it, thus leaving Miss Pillsbury in sole possession of the hut.

He went to the patch of scrub spruces through which their path had led the day before and com-

menced on the wood, but his mind was busy with other matters.

He knew in his heart of hearts that Miss Pillsbury's conduct had been reasonable enough. Toward anyone else it would have been quite right, but somehow with himself it was different. He argued that their long friendship had given him certain privileges which he would have denied to another. He chose to look upon it as an affront; and, when at last she came to the door of the hut and called "breakfast," he made no reply; but leaving his work, went forward prepared to be disagreeable. This was no easy matter, for the girl, availing herself of his absence from the hut, for which consideration she had felt grateful, appeared with hair combed and looking altogether tidy and attractive.

"Good-morning," she said cherrily as he came in.

"Morning," he answered, without looking up.

Miss Pillsbury glanced at him. "Sulky," was her mental diagnosis. "Well, let him sulk if he wanted to. It was his fault that they had come there. Besides, he should not have been so forward. Let him forget his manners again." Such food as they possessed she had prepared, toast and coffee with a little bacon, she poured a cup for each and they sat down in silence.

But soon a feeling half of amusement and half of pity for the great big child gloomily eating his breakfast came over her. Perhaps she had snubbed

him unnecessarily hard. However, she would not mind his sulks and perhaps they would pass off.

"How did you sleep?" she inquired.

"In my bunk."

There was a pause. He made no inquiry as to how she had rested.

"What shall we do next?" she finally inquired.

"You say." Inwardly he thought the weather was clearing and that they would get a good view if they stayed until afternoon. He wanted to wait, but did not say so.

She made no further attempt at that time at conversation and they finished breakfast in silence. "What a queer animal it is, to be sure," she mused.

Breakfast over he finished his job at the wood while she did the dishes.

When all of the morning's work had been done, she proposed a visit to the Parapets. The Parapets, by the way, are about a quarter of a mile from the hut, at the other end of the col between Madison and Adams. Secretly he was pleased at the proposal, as it probably meant that they would remain nearly all day, only going down the mountain in season to take the 5 P. M. train for home, but he vouchsafed only a short assent.

In going to the Parapets they passed a peculiar little body of water called Star Lake, the source of the brook near the hut. It is surrounded by moss-covered ground, and has no apparent inlet. It must be fed by the rains from the clouds, which

it catches and holds, feeding the water out in small quantities, thereby maintaining a constant flow in the brook, like water from a spring.

They stopped and admired the lake and then moved on toward the Parapets. The ground was wet.

"Where shall I go?" she asked, for he was strolling ahead. He stopped, for he could not refuse the appeal.

"I will show you," he said, coming back and directing her to drier ground. There it was rough and stony, but he offered her no assistance. She paused at an unusually rough place.

"Why don't you help me over this?" she asked, thereby calling him back, for he had again gone ahead. He rendered the requested assistance in silence. "Grouty as ever," was her inward comment.

The Parapets are a formation of solid rock, somewhat like breastworks, hence the name. They are at the easterly end of the col. Beyond is a sheer descent for hundreds of feet. They sat down on the rock and looked over the abyss. It was between eight and nine o'clock. The west wind was still blowing gently and the mist was growing thinner and thinner. While thus they sat, suddenly there was a rift in the mist before them and for a moment they saw, many feet below, perhaps a thousand feet, the tops of trees, as if they were looking at

the bottom of a deep pit where sunshine was and trees grew.

"Isn't it beautiful?" she inquired more of herself than of him.

"Beautiful," he replied spontaneously, forgetting that he was trying to "freeze" the lady.

"What makes it?"

"The clouds are going away, are rising, and we are near the bottom edge. Soon they will be above us altogether."

"Shall we see through the mist again as we did just now?"

"Yes." Then he realized that he had been conversing and was not keeping up the freezing operation. "I can't be angry with you for any length of time," he acknowledged with a smile.

"Don't be angry with me at all any more," she said simply.

"No, I won't," he said. "You are the best girl I ever knew and your way is always best."

This frank surrender on his part removed the first trace of a difference which had ever come between them.

The rest of the day was enjoyed by them both. As they sat on the Parapets, there was soon another rift, and again they saw the tops of the trees. This phenomenon became increasingly more frequent, and at length they were able to look continuously down along the mountainside. Then the clear space widened; they could see more of the valley,

then the base of Mt. Washington opposite across the Great Gulf, then farther up on the mountain-side, the Half-way House, the carriage road which they had traveled the day before, and at length for a moment the cloud lifted and they saw the buildings on the summit. It was a beautiful and ever-changing sight.

Friendly relations having been established they visited the summit of Adams and saw a panorama which cannot be described; but must be seen to be appreciated.

Returning to the hut they ate the last of their provisions, and at three o'clock in the afternoon started down the mountain to take the cars for home, going by the path which follows the brook.

When they were about halfway down, they met a couple of young men carrying packs, as does everyone who goes onto the mountain to remain any length of time. The men stopped when they met.

"Ain't you Lawyer Thorndyke?" they inquired.

"Yes."

"And this is Squire Pillsbury's daughter?"

"Yes."

"All right, then."

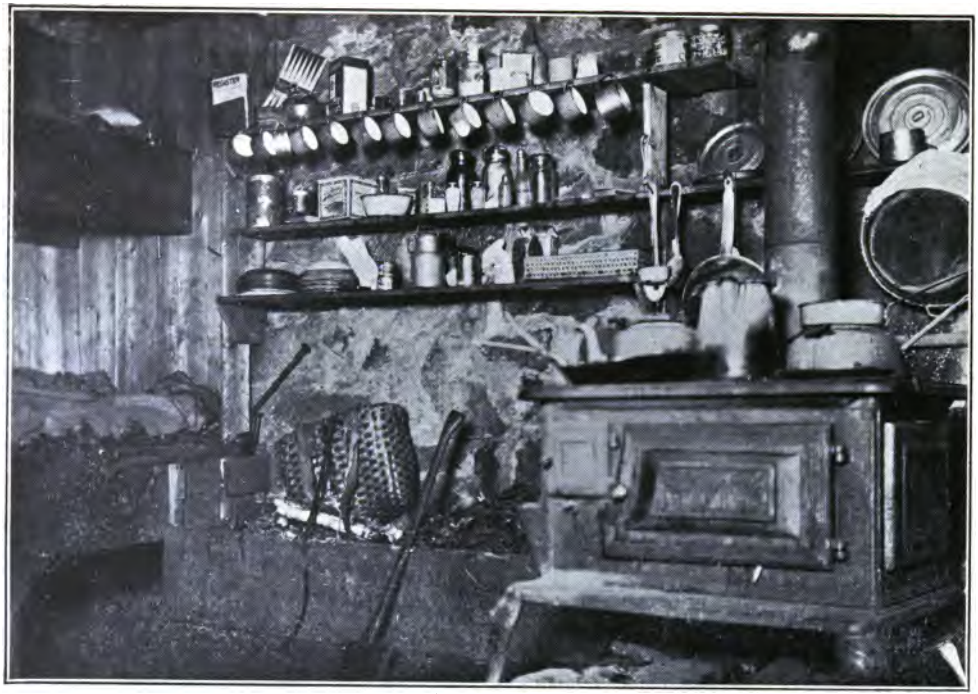
"What is it?"

"Oh, nothing. We heard you were lost."

"And you were going to search for us?"

"Yes."

"Who sent you?"



INTERIOR OF THE HUT

"They telephoned over from Berlin."

"Who?"

"Didn't you go with Lawyer Dooley's party."

"Yes."

"Well, he thought if you were not lost you would have come home on the noon train."

"Well, you see we were not."

The men turned and went back along the path ahead of our young friends, who did not hurry until the men were out of sight. Then Miss Pillsbury turned to Thorndyke and said:

"I wish we had gone home the first thing this morning, and that Dooley had not sent those men after us."

CHAPTER XXI.

SUPREME COURT. JUNE LAW TERM AT CONCORD.

THE general law term of the Supreme Court held at Concord, N. H., in June is an occasion which calls together lawyers from all over the State. At this time such decisions as have been formulated since the last adjournment, are made public, "handed down," is the phrase sometimes used. In New Hampshire this ceremony is performed on the first day of the general terms and of the adjourned terms, when the judges, sitting in solemn array, alternately read such opinions as they have prepared. Following this come the argument of such cases as have reached that stage of their progress.

On Monday after his return from the trip over the Range, Thorndyke, in company with Cook and Dooley, took the train for Concord.

"We ought to learn some law this trip," Cook remarked, as they were at the station to take the train.

"Yes," said Thorndyke. "It will be worth something to hear what the Supreme Court have to say as to the law, even if they should fail to agree with us."

"We ought to win that case," said Cook, referring to Griffin v. The Glen Manufacturing Company.

More than a hundred lawyers from various parts of the state assembled in the bar, and at length, headed by C. Doe, then Chief Justice, the seven men who constituted the Supreme Court solemnly marched in and took their seats behind the bench, the Chief Justice being the central figure while the others were deployed on each side.

Judge Doe was always noted for lack of formality, and on this occasion, after the learned man and associates had taken their seats, and each had deposited various bundles of papers on the desk before him, and had faced the assembled attorneys, Judge Doe pulled a paper from a package, spoke the name of a case near the head of the docket, and begun to read. The ceremony of opening court had been performed.

The paper which the learned judge read was an opinion of himself and associates in a case which had arisen in another county. It stated the questions which had been submitted, discussed them learnedly in the light of legal principles and former decisions, announced the law applicable, and pointed out the judgment which should be rendered. The paper consisted of a dozen pages of legal letter, the size of foolscap, and occupied ten or fifteen minutes of the Judge's time in the reading.

The opinion finished, one of the other judges an-

nounced another case in which an opinion had been prepared, and read it in like manner. This process was continued until all of the decisions from the first county on the docket had been read, when another county was proceeded with.

Coos was the last county on the docket, and it was after twelve when it was reached. There were several cases ahead of the Griffin case, but at length all were passed or otherwise disposed of, and the Griffin case was reached. Thorndyke settled into his chair and grasped the arms as though he were about to have a tooth drawn without taking an anesthetic, at the same time keeping his eyes on the court, and especially on the judge next in order, who should deliver the opinion if one were forthcoming. He was Judge Isaac W. Smith, then nearly seventy years of age, a gray-headed, clean-shaved, spare man with a kindly face and voice.

"Griffin v. Glen Manufacturing Company," he announced, extracting a paper form a package containing the briefs and other documents in the case. It seemed to consist of a single sheet, which Thorndyke noted with surprise, for he had expected an opinion of some considerable length, commensurate with what he conceived to be the importance of the question under consideration. Opening the paper Judge Smith read as follows:

"Whether Perry in giving the order to the engineer for hoisting the scaleboard was acting as a vice-principal or as a fellow-servant of the plain-

tiff is a question that need not be considered. Assuming that he was a vice-principal there was no evidence of negligence on his part competent to be considered by the jury. The motion for a non-suit should have been granted.

"Exceptions Sustained."

So that was all the consideration the case had received. The words at the end of the opinion rang in Thorndyke's ears. "The non-suit should have been granted. Exceptions sustained."

That meant that the case was lost. Court soon adjourned, Thorndyke sought out Judge Smith, and borrowed the opinion long enough to make a copy. With this he and Cook retired to his room at the hotel to discuss the outcome.

"What do you understand this decision means?" he inquired of Cook in a husky voice.

That young man read aloud the copy of Judge Smith's opinion.

"Well," he said at length, "As near as I can make out, the court says that when a man is operating machinery, requiring care and moderation on his part to avoid injury to other workmen, it is not negligence, or evidence of negligence for his superior to come along and give a hurry-up order in a harsh and unusual manner."

"I wonder what they would have said if, instead of a man and an engine, it had been a span of horses and a dump cart, the body of which was not chained down in front, and Perry had holloaed to them, and

started them up, and tipped out a load of rock, and caused the injury," remarked Thorndyke.

"Or instead of a word had struck the horses a blow," suggested Cook.

"Well, we have learned one thing. When a man is handling dangerous agencies like steam it is not evidence of negligence if his superior hurries him, and the man acting in response to the orders in his haste fails to take the usual precautions for the safety of others."

"They didn't cite any authorities," remarked Cook.

"Nor say anything about the question of vice-principalship except to say that it was not in issue," said Thorndyke. "That is what breaks my heart," he continued. "Here you and I have labored on the supposition that the case turned on the question of whether or not Perry was a vice-principal. If he was, we contended that his negligence was the negligence of the Company, and that consequently Griffin could recover. But we were such consummate fools that we missed the point of the case entirely. The question according to the court is not whether Perry was a vice-principal; but whether a man in charge of a dangerous agency or machine like a steam engine is likely to hurry if his superior orders him to do so. And we know now that he is not, for the seven wisest men in the State have said so officially."

"We were no more stupid than the others in thinking it a question of vice-principalship," said

Cook. "The other side tried the case on the same theory."

"What do you understand the effect of the decision to be? Can we have another trial?"

"No."

Finally they must go down to dinner; but Thorndyke went into the dining-room feeling more like a convicted criminal than a practicing attorney. He was ashamed and disgusted with himself to think that he had utterly missed the point of a case which had meant so much to him. He had intended wiring to Miss Pillsbury if the decision had been favorable; but as it was not, there was nothing which he cared to say to her.

Remembering how he had fared when he had intended making a proposal while at the hut, he saw no prospect of ever making her his wife.

"I shall have to give her up," he said to himself bitterly; and, man though he was, the tears came into his eyes, and he would not trust himself to speak.

CHAPTER XXII.

THE DECISION OF THE SUPREME COURT.

A YOUNG man was sitting in an office, up one flight of stairs in a small wooden building in Berlin a short time after the day when the Supreme Court had rendered its decision in Griffin v. The Glen Manufacturing Company. He was bending over the table busily using his pen. The young man was Thorndyke; it was his office; and he was engaged in the occasionally necessary occupation of ascertaining the amount of his debts. It was not a long job. His credit had not been sufficiently good to have enabled him to contract large amounts if he had desired so to do; but he had not. He found that he owed his landlord nearly a hundred dollars for board, his tailor thirty-five dollars for clothing, and other small bills about town amounting to about fifteen dollars, making a total of about a hundred and fifty dollars, besides the note of Mr. Benton. That note he now saw would fall to him for payment, as Griffin, however good his intentions might be, had only his day's pay with which to support himself and family, and it was no more than suf-

ficient for that purpose. Why did he endorse the note? He knew the reason well enough. It was because Griffin could not have secured the money without. Well, since he had been foolish enough to put his name on the back of that piece of paper he must pay. This, added to his other debts, brought the total up to three hundred and fifty dollars. He had come to Berlin to accumulate money and instead had accumulated debts. It might have all been prevented too, if he had not tried to do anything. If he had not taken the case for Griffin, he would have been saved that two hundred dollars; and if he had not cared for Miss Pillsbury's society, and had used the money which had gone for pleasure, in paying for things strictly necessary, he would not have run behind a hundred and fifty dollars in bills about town. But he did not regret the course he had taken in either matter. It was better to try and fail than to never make an effort. Miss Pillsbury he had met on the street and had told her that the case had been lost; but that was all. He feared that he must put her out of his mind and out of his life, and had set himself resolutely about it. It hurt deeply, and he felt that he should never care for another as he had cared for her. He certainly hoped that he should not. He felt that one such disappointment was enough for a lifetime.

And then his law business, he felt sure that it was gone. It seemed to him that he had staked all on that one case and lost. If he had won, he would

have been famous, clients would have flocked to his office, but who would employ a man who lost his cases?

While thus he mused he heard footsteps on the stairs. They sounded familiar. He was not deceived; the door opened and Squire Pillsbury entered. So frequent a visitor was the Squire, not only in Thorndyke's office, but of the other lawyers as well, that he seemed to have almost a prescriptive right on the premises.

He took a seat and commenced to fill his pipe.

"Well, I hear they brought in a decision in the Griffin case," he remarked by way of opening the conversation.

"Yes."

"Didn't give ye nothin'?"

"No."

"So I heard on the street; but I couldn't scurcely believe it."

"Well, that's a fact."

"Any way to try it over again?"

"No, I guess not."

"Well, that's tough on Griffin, ain't it? He's a hard-working man with a big family, and he got hurt without any fault of his'n, as nigh as I can see, and I hoped he would get something. What did the court say about it, anyway?"

"It's rather hard for me to make out," said Thorndyke, "but as near as I can tell I should say,

they have decided that there is no reason to expect a man will hurry because his boss tells him to."

"Long opinion?"

"No," said Thorndyke producing his copy.

"Read it." Thorndyke did so.

"It's got one recommend," said the Squire. "It's short."

"Brevity is the soul of wisdom as well as of wit," said Thorndyke, quoting the old proverb.

"Yes, that's so."

"Really the trouble with it for me is that I don't know as I know what it means. If I understand it right it is this. That when a man is operating dangerous machinery like a steam engine requiring care, moderation, and skill on his part to avoid injury to others, there is no reason to expect that he will exercise any less care, moderation, or skill, if his superior comes along and in a loud harsh voice swears at him and tells him to hurry. But that doesn't seem hardly reasonable to me, does it to you?"

"No, it don't."

"Then, I don't know what it does mean; but we seem to be whipped sure enough."

As they were talking, footsteps were heard on the stairs, the door opened, and in limped Griffin.

One of the most unpleasant tasks in a lawyer's practice is making an explanation to a client of a defeat. Thorndyke had dreaded to meet Griffin;

but now that the occasion had come he prepared to put the best possible construction on the matter.

"Well," he said with an appearance of cheerfulness which he did not feel, as Griffin took a seat, "things didn't go just as we expected down to Concord."

"No? How's that?"

"I'm afraid the Supreme Court is going to beat us."

"You're fooling."

"No. It looks that way now. The Supreme Court," said Thorndyke, in a confidential tone of voice, "the Supreme Court say that it wasn't evidence of negligence for Perry to come along and say what he did."

"Go on."

"No; that's what they say as near as I can make out. Here, let me read this to you," and Thorndyke took the copy of Judge Smith's opinion from his pocket and again read it aloud.

"They didn't say no such thing," said Griffin resolutely.

"Why do you say that."

"Because 'tain't true; that it's *no* sign the superintendent was careless because he damned the engineer all up in a heap."

"They say it is."

"Now, see here," said Griffin, in an argumentative manner. "I got hurted, didn't I? You won't deny that, will you?"

"No."

"I had been doing the work for a week and the engineer had gone slow every time and taken up the slack slow, so as not to twitch the scale-board. That's true, ain't it?"

"Yes."

"I supposed he would do it again and I had a fair reason for supposing so, hadn't I?"

"Perhaps."

"While he was working along as usual, the boss comes up and swears at him, and holloas to him to 'hist 'er, hist 'er,' there is a team waiting."

"Yes."

"Well, he histed 'er without stopping to take up the slack and dumped the rock over onto me and smashed my ankle."

"Yes."

"Well, ain't that a sign he done it because the superintendent holloaed at him and wouldn't have done it if he had been let alone?"

"The Supreme Court say not, if I understand them correctly. The Supreme Court say that there is no evidence that what Perry said was negligent."

"I had worked there a week and been safe, but the first time Perry jumped the engineer I got hurted."

"The Supreme Court say that that is no evidence that what Perry said had anything to do with it."

"No, they don't neither."

"There is the opinion, read it yourself."

"I don't care what the opinion says, it ain't true, and they didn't say it. It's against common law and common sense."

"Damn common law and common sense too," said Thorndyke, losing his patience.

"And that ain't all the lies you've been telling me, neither," said Griffin, evidently bound to free his mind. "You said I was a coadventurer and took my chances with the Company on their being careless."

"That is the law, if you have a chance to know of their carelessness."

"No 'tain't neither, I never made any such trade and I don't own no part of the Glen Manufacturing Company; you know it as well as I do. Why don't you tell things as they be?"

"Look ahere," said Thorndyke, rising, "do you mean to say that I am lying?"

"Well," said Griffin, seeing that the other was becoming angry, "perhaps you're doing as well as you can."

Thorndyke was losing his temper.

"The Supreme Court may say it don't make a man nervous to be sworn at, but I tell you one thing, John T. Griffin, you had better not throw out any more hints that I've lied to you. I won't put up with it."

"Oh," said Griffin, "I don't find no fault with

you. You done as well as you could. I know that. But if you'd been an old lawyer, like Judge Ladd, they wouldn't have told you any such nonsense."

"That wouldn't have made any difference," said Thorndyke. "The trouble was with that old judge over in England who decided Priestly v. Fowler a hundred and fifty years ago."

"It seems to me that you find too much fault with the court when it's agin you," said the Squire.

"Why?"

"You always find fault, if you are beaten. Take the first case that you ever tried after you came here, where Mrs. Gregoire had her husband arrested."

"Well, what of it?"

"You've found fault with it ever since."

"I never will again."

"Now, which do you think used you worse. Old Squire Pillsbury, or the Supreme Court?" said the Squire, who sometimes spoke of himself in the third person.

"I haven't a word to say," answered Thorndyke.

"Which do you think was the nearest right on the law, me or the Supreme Court?"

"I haven't a word to say," repeated Thorndyke doggedly, perhaps being afraid to trust himself to speak.

There was a pause and the Squire remarked.

"The Supreme Court seems to give you about as much satisfaction in its decision, as we got from

Forist's boarder, when we asked him where he came from."

"What boarder was that?"

"The one that didn't tell who he was."

"I guess I never heard about him," answered Thorndyke.

"Didn't I never tell you that little ditty?"

"No."

"Well it was way back in war times. A feller came along and wanted to get board, and he finally struck up a trade with Merrill C. Forist. Forist kept the hotel here in them days. He was a great, big, nice-looking man, Forist was; he was Justice of the Peace, and sort of did law business, like making out deeds, settling estates, and occasionally he sot on a case. Merrill's boarder didn't tell where he come from and Merrill didn't ask him, till finally one of the neighbors asked Merrill who the feller was, and he couldn't tell, so he said he'd find out.

"The feller was a kind of a queer-acting chap too. He'd go to aunt Eliza, Merrill's Wimmin folks, and git her to put him up a lunch, and then he'd put a knapsack onto his back and strike out, and mebby he wouldn't come back till dark.

"After Merrill said he'd find out who the feller was, he begun to drop out hints, and asked him questions as to where he had been, and such like; but the feller would shut up like a jackknife and you couldn't get a word out of him edgewise, more

than you could out of an oyster. About that time three or four rebs seized a government boat in Portland harbor and tried to get away with her, but didn't; and long about the same time they made a raid on St. Albans, over in Vermont; and the folks round here began to tell that mebby Forist's boarder was a confederate. We said so much, that finally one day, when the feller was gone as usual, Forist said that when he comes home that night, he'd ask him pointblank where he comes from. So when night come there was a half dozen of us sittin' round to see how it come out.

"After the feller had got home, and had had his supper, he come out into the office and sat down and lit his pipe, and after he had got it to going in good shape Merrill begun:

"He says to the feller:

"'You've been here sometime," Merrill says, "and you are off in the woods a good deal. It's possible something might happen to you; you might fall into a hole among the rocks and break a leg; or you might get lost in the woods, or run up against an old she-bear and a lot of cubs, or some such thing; and if you did we shouldn't know where to send word to your folks, nor who to send to, so we've been talking it over, some of the neighbors here and I, and we decided that the straight, open-handed, manly thing to do," Merrill says; "Was to tell you what we thought about it and ask who you was?'"

"The feller sot there smokin', and never moved a muscle of his face or said a word. When Merrill got all through, he said to Merrill he was glad to know that the neighborhood felt interested in his well-being.

"He says to Merrill, 'You've been frank and candid and aboveboard with me, and I'll be the same with you. I come,' he says 'from O-hi-o. When I was out there I committed a terrible crime. I was arrested and convicted, and finally I had to be sentenced. When I stood up before the judge he told me that he would give me my choice between goin' to jail for a year or goin' to Berlin Falls for six months. I told him; the feller says, 'that I'd go to Berlin; but I wish't' he says, 'that I'd gone to jail.'"

"That seems to be plain enough," said Thorndyke, "I think I could understand that."

"Perhaps there ain't nothin' blind about the opinion of the Supreme Court, neither," said the Squire.

"Well, what does it mean?" said Thorndyke.

"It means that you are licked, licked the same as the town was in that highway case that you thought was so funny. It makes all the difference in the world which foot the shoe is on about the way it pinches."

"Did you ever find out who the fellow was?"

"What fellow?"

"That boarded with Forist."

"Yes. He told us his name and all about him-

self before he went away. He was one of them landscape painters. One day he showed us a half dozen pictures that he'd painted round here. They were all jim dandies, I tell you. He said he used to get as much as seven or eight hundred or a thousand dollars apiece for them. He was a slick feller with a paint brush, I tell you."

"What was his name?"

"I can't think. I've been tryin' to remember ever since I've been sitting here; but, if ever you should happen to run across a painting of the Big Pitch here at Berlin before they built the dam, you might find his name on it somewhere."

"Can't we get another trial?" asked Griffin, returning to his case.

"No," I guess not," said Thorndyke. "I am afraid what the Squire says is true; we've got licked, and have got to make the best of it."

CHAPTER XXIII.

WHAT A LISTENER HEARD OF HIMSELF.

It is said that listeners never hear any good of themselves. If the proverb needed confirmation and Thorndyke were called upon for an instance he would, perhaps, cite the following:

One day soon after his return from the June term of the Supreme Court, he had occasion to go to Dooley's office. When he reached the door he found a placard posted up, which announced that Dooley would soon return and extending an invitation to "walk in." Thorndyke entered accordingly, supposing that he was the only occupant of the office, and unwittingly took a seat beside the door which opened into Dooley's private office. The door was closed. Soon audible voices reached him, and he became aware that the room was occupied; but he was momentarily expecting Dooley to return, and he continued to wait. While thus he sat, he began to distinguish words, and to recognize voices, and soon he realized that the conversation concerned himself.

"Belle is a thoroughly nice girl in every respect.

I have the utmost confidence in her." He heard Mrs. Dooley say.

"She was just as anxious to start off ahead of the rest of us as he was." It was the voice of Miss Wirth.

"Why couldn't they have gone back to Mt. Washington when the storm came up as well as to have gone on to the hut?" Thorndyke did not recognize the voice.

"Perhaps they were nearer the hut." Mrs. Dooley.

"Nonsense. The rest of us saw the storm coming, when we got back from Bigelow's Lawn. It was only ten o'clock, and they had been gone only two hours then. They had not gone very far." It was the voice of Miss Wirth.

"But Thorndyke is such a muttonhead. If he got to talking about the mountains or the stars or the Lord only knows what, he would not know it was raining till he was wet to the skin."

"Why don't he marry Belle and done with it?" It was the voice which he could not recognize.

"I guess he hasn't got very rich out of this year's business. Dave (Dooley) said it was a great disappointment to him that he lost his accident case in the Supreme Court." Voice of Mrs. Dooley.

"He might at least propose, and let her refuse him; that would do something toward setting the matter right before the community." Voice of the unrecognized.

"He doesn't know enough. Dave says he is well enough on business matters; but when it comes to matters of decency we all know what a numskull he is." Mrs. Dooley.

"I hope it will come out all right. I always liked Belle and I hate to think anything wrong of her now." The sweet voice of Miss Wirth.

"Somebody ought to take him, and see if they couldn't shake a little common sense into him." Voice of the unrecognized.

"I am so sorry for poor Belle. She must feel terribly about it,—if it was an accident. If it wasn't, why of course she knew what she was doing. I always liked Belle and I am so sorry that people talk as they do." Voice of Miss Wirth.

Thorndyke fled.

He reached his office and threw himself into the chair before his pine table.

"So this is the result of a year's work," he said aloud to himself. "I have run behind three hundred and fifty dollars in business, lost my first important case, and unintentionally smirched the name of the best girl I ever knew or ever expect to know."

A mean feeling possessed him and he arose and paced the floor uneasily.

CHAPTER XXIV.

CONCLUSION.

GENTLE READER: It is now more than twenty years since I began this book. I am still in the law business in Berlin, and I married the girl. Of course you knew that I would, when you had gone far enough into the story to learn that there were matrimonial intentions on my part. I should not have cared to tell about it and you would not have cared to read about it, if I had not.

Neither did I lose all of my law practice, simply because we did not win the Griffin case. The public know that one side or the other must lose, and if your client thinks you had his interests at heart, and that you have done your best for him, and he is a reasonable man, as most clients are, he will generally be satisfied. In fact, it was partly because I had so much law business, that I stopped writing the book. The other reason was, that Belle did not like the idea of my telling so much about our courtship, so I dumped what I had written into the bottom drawer of my desk, and there it stayed, getting buried deeper each year under an accumulation of

papers. And there it would probably have stayed for all time if I hadn't bought a gold mine.

Now, you, my dear reader, may wonder why the possession of a gold mine should compel a man to sit down and try to grind out a novel; for it is a good deal of a grind, as you will find if you ever try it. It's easy enough to start a novel, but it is very much like work to stick to it until it is done. Four years ago, when I was uninitiated in owning gold mines, I should have wondered. This is how it happened.

A smooth-spoken man with a solemn face, and an air of sadness, came along one day, and drifted into my office. He had gold mines to sell. He was not doing it to make money for himself. Oh, no. He was doing it solely for the good of humanity. It was a purely philanthropic scheme,—and incidentally, if a man was worldly minded—a great opportunity for the buyer to make money. "Would I like to be rich?"

There is only one honest answer to that question. Yes.

"Yes," I said to the fellow. "I'll take a few. Make it," I said, for I wanted to be moderate, "make it a half a dozen."

The fellow smiled a pitying but a patient smile. Then he explained that I was not expected to buy by the dozen. Oh, no, one was all a reasonable man would want or need.

"Very well," I said, "make it one, only be sure

and pick out a good one, one that will stay between fences, and will always be at home nights and when wanted."

Again he smiled, but he was a considerate man and he was very patient with me.

"Gold Mines," he explained," real good ones are not raised in great profusion in New England. But in Alaska it is different. There the gold-bearing earth," these were his words, "the gold-bearing earth is to be found everywhere in profusion."

There was a place in Alaska, he said, called "Alice in Wonderland." There the soil was just right, but even there I should not need a whole mine for myself. Oh, no—a twentieth interest would be sufficient. By the time I had had it a few years I should be satisfied. It would be all the gold mine I should ever want." This last statement turned out to be true.

"All right," I said, "I will take a twentieth interest in a good, well-fed Alaskan gold mine."

But even then the fellow thought I was taking too much.

"Let me see," he said; "supposing the income is twenty millions of dollars annually; and you owned a twentieth of it, you would have to spend a million dollars a year. That will be quite a task. A twentieth part of a twentieth will give you fifty thousand dollars a year, and considering the size of your family you will find it ample for all of your legitimate needs."

"All right, make it a twentieth of a twentieth," I said. The reader will see that I was not hard to suit. Anything would be agreeable to me, so long as I was to have plenty of money, no care, and could stop work before breakfast if I wished, lock up the office and spend the rest of the day in my automobile. So we traded. I paid the fellow all the money I had in the safe; I collected what I conveniently could from my clients, and paid it over. Then I planned to spend the remainder of my days in calm but dignified *ennui*.

But I soon came to realize that I did not own the gold mine; the gold mine owned me.

It was this way; in about six months the mild-eyed, soft-spoken man called again. He said that in order to take out the gold, of which there was a great abundance, without waste, it was necessary to put in a counter shaft and connect it up with the main shaft. When this was done I could take down my shingle and begin the quiet life. This would only cost a half as much as the original purchase, consequently, my share was fifty per cent. of my original investment. All of the others were going in. Would I conform? I conformed.

In three months the soft-spoken, mild-eyed stranger called again. He said the counter shaft had been put in and in so doing they had passed through the mother vein, at the end of which experts said was the father lode. After a careful consideration of the matter by the company's experts,

it had been decided to extend excavations in that direction and an assessment of fifty per cent. on the initial investment and the previous assessment had been decided upon. Would I participate? I told the fellow that I had a nearer load at home which was about all I cared to carry, letting alone the farther lode. However, I participated.

In two months I received a letter post-marked "Alice in Wonderland, Alaska." It was from the soft-spoken stranger. It read: "Not much had been expected from the nearer lode. However it is being worked for all it is worth. Specimens have been taken out which have nearly driven the experts crazy with joy. The end of our heroic efforts are soon to be crowned with complete success. Everyone connected with the enterprise is to be congratulated. In the meantime it has been deemed advisable by the experts that a movement should be undertaken to locate and explore the father lode. An assessment of fifty per cent. on the initial investment and all subscequent assessments had been determined upon. With the expenditure of this sum you may feel assured that the long and fatiguing search will be finally brought to an end by the companies faithful and upright officials. Will you contribute?"

I contributed.

In about a month I received a message by wire, collect. It was sent from "Alice in Wonderland," and was from the soft-voiced gold miner. He re-

quested me to send by wire a sum of money named in the message, which, on computation, I found to be the usual fifty per cent. of the initial investment and of all subsequent assessments. I begun to be suspicious. I wired at my expense asking an explanation. The answer came at my expense. "Are in hot pursuit of farthest lode." I now decided to change tactics. I wired at his expense. "How much start was given farthest lode—give amount of handicap and all conditions." This was answered at my expense. "Expect to find farthest lode at end of rainbow, followed same to seashore, then continued pursuit in rowboat. Failing to overtake game have returned and chartered private yacht, with which shall continue heroic search."

I answered at his expense. "Why don't you tunnel?"

The answer came at my expense. "Will tunnel, Sēnd funds."

Then I sat down and wrote a message. I said that I was a fair sport and when the game took to water I called the dogs off, consequently I should neither conform, participate, nor contribute.

I now see that I made a mistake in not following my first intention. If you are thinking of buying a gold mine, get one of the kind that you can keep behind the house in the vegetable garden, and work by hand.

When Belle and I had examined into the state of my finances, had listed my outstanding notes and

obligations, and computed the mortgage on the house, I found that the only thing left of what money I had saved was the place where it had been; and according to Belle neither she or either of the children had a rag to their backs.

Many years before, the pine table in my office had been replaced by a roll topped desk, and in the bottom of one of the bottom drawers, under a lot of old papers I one day found the first few pages of this book in manuscript. I showed it to Belle, and at length she consented to have it finished. So I again commenced work upon it, still actuated by mercenary motives. Like Antonio "Moneys" is my suit.

To myself I have never felt qualified, either to interest or to entertain the general public. I hope, however, that this explanation will be considered as a sufficient justification for my attempt.

Now you want to know just how it happened that we were married, and you have a right to know. it is a mean trick to tell a part of a story until your listener's curiosity has been aroused, and then refuse to continue to the end.

To go back to the time when I came back from Dooley's office, after having heard my affairs discussed. It was soon after that that I hit upon the plan of writing a book. I went to work at it; but one day I got to thinking the whole situation over. I remembered that I walked the office floor and at length I addressed myself somewhat as follows:

"Young man, don't you think you are a little heady? You left home in a row with your father. If a case is decided against you, you are apt to say it is because the court is stupid; you never admit that you had the wrong side of the case or that it was not properly prepared or tried. You think you know more law than the Supreme Court. Isn't it time for you to get down from your high horse; and go home and visit your parents? It is a bad sign when a young man isn't on good terms with his family. Go home."

Then I knew that I wanted to go home, and wanted to go as soon as possible; but I had to wait until the next morning. Then I went, and when I reached the station I started to walk. "I don't seem to be riding back for all that I walked over." I said to myself, but it made no difference to me then. I was going home and that was enough.

The last few miles the road leads over a hill, and the top of the hill is about three-quarters of a mile from father's house. From there you can see nearly the whole of the farm. When I arrived there I saw father and a younger brother at work on a piece of corn. I could follow the road and go to the house, or I could go across the fields and by the corn piece. I went by the corn.

Father saw me coming, and knew who I was. When I reached him we shook hands.

"Well," I said, "I don't think it did much good

to walk away. In my case it means walking both ways."

Father's voice trembled a little and he said:

"I've been thinking about that and I guess I was a little hasty. I ought not to——"

"No, you don't," I said. "You shall not apologize to me. It was all my fault, I'm sorry."

I could quarrel with father well enough; but, when it came to his begging my pardon, that was too much.

Father didn't speak for a moment, and then he said he was glad to see me; which of course, I knew was true.

Then I took a hoe and went to work.

After dinner, I stopped a few minutes at the house after the others had gone to the field for a talk with mother. We sat on the veranda. She was in a chair. But I sat on the floor beside her. This brought my head about as high as her knees, and I remember she had her hand on my shoulder, and smoothed my hair.

I told her all about my life at Berlin, my cases, prospects, debts, about Miss Pillsbury, how much I thought of her, and about our trip over the mountains, and about the conversation I had overheard in Dooley's office. I told her all.

"I judge she must be a nice girl," mother said.

"Yes, she is a nice girl." I answered.

"Is she pretty?"

"The handsomest girl I ever saw."

"And healthy?"

"The girl is all right," I said. "There is no fault with the girl; she has a good disposition, and is nice. If her father, old Squire Pillsbury, was in my place, he would say she was sound and kind, and hadn't a bad habit or a scratch or pimple on her."

"I'm glad she is such a nice girl," said mother.

"So am I," I answered.

"It would be too bad if we couldn't persuade her to come into the family, wouldn't it?"

I thought there was a shade of irony in mother's voice; and, I felt, that if I saw her face it would wear an amused expression, but I choose to ignore it.

"Yes," I said, "It would certainly be too bad."

Mother stroked my hair.

"And you think you ought to make her an offer of marriage?"

"Well, I've told you what I overheard in Dooley's office."

"If you think you ought to do it, why don't you?"

"I don't see how I can support a wife just at present. If I had won the Griffin case it would have been different."

"Perhaps she would be willing to wait a reasonable time."

"Well, perhaps, but it don't seem as though I could ever accomplish anything practicing law."

"Why not?"

"I'm not smart enough to understand what the court mean by an opinion like that in the Griffin case," I said, and again I aired my grievance.

"Thoffy," said mother, using my baby name, "I'm surprised at you."

"Why?"

"That you should get all discouraged because you've lost one case. Won't you have to lose cases all your life if you continue to practice law?"

"I suppose so," I had to admit.

"Besides, you did win, before the jury, didn't you?"

"Yes."

"And Cook is a young man like yourself?"

"A very little older."

"Don't you think it was doing pretty well for you two boys to win a verdict against such men as Major Drew and Judge Ladd."

"I suppose it was." I was again forced to admit. "But," I added, "I'm afraid she will say no."

"Why do you think that?"

"Oh, I don't know."

"Have you any special reason?"

"No."

Again mother stroked my hair.

"Do you think she would be more likely to refuse you now than later?"

"Perhaps not."

"If you are ever going to be disappointed in the young lady, isn't it as well to have it come now

as later, when, perhaps it will be too late to make other plans?"

"I never shall feel the same toward anyone else," I said.

"You think she is a nice girl and you have no reason to think that she is trifling with you?"

"Certainly not?"

"I am not in favor of hasty marriages," said mother, still with her hand on my hair, "or of marriages where the husband has no means, or way to earn money; but you have your profession, and you must have some business. Besides, happiness does not depend altogether on the amount of money one has. If she is the kind of a girl you think, perhaps she would be wiling to wait a little while; or, if you were to marry soon, she would begin in a small way, and help you to save. I believe a man sometimes thinks a young lady expects more of him than she really does. Sometimes, too, a man seems to do better when he is married, and settles down to work. He seems a more substantial part of the community. I think that may be especially true of a professional man."

"Then you think I ought to ask her at once?"

"You want to, don't you?"

"Yes, I guess I do," I said, and I arose and gave mother a kiss.

I suppose it must have been in my consciousness, when I decided to make the visit, that I wanted to talk the question over with mother; but I did not

realize how I had come almost for that sole purpose until we had the talk. Then I knew at once; and I wanted to go immediately back to Berlin, and settle the matter with Miss Pillsbury.

But it was too late to go that afternoon, so I took a hoe and worked the rest of the day with father and the boys in the cornfield.

Before breakfast the next morning, father sent one of the younger boys to the pasture after the mare, and had her given a good feed of oats. After breakfast he began to put on his best suit. I knew what that meant; and I told him he did not need to carry me to the station, that I could walk. But he said he would go. No doubt mother had told him all about Miss Pillsbury, and what my plans were; but neither of us mentioned it during the eight miles' ride. I told him all about my business, my prospects, etc., and I was perfectly willing that he should know about my matrimonial affairs. I was as fond of father as of mother, too, but in a different way. We had a very enjoyable visit, but neither of us mentioned the subject which was the real cause of my trip.

Having made up my mind what to do, I determined to do it at the first opportunity. That evening I called at the Pillsbury residence. I remember it was a warm evening, and we preferred to remain for a time outside on the veranda. As we arose to go into the house, I felt that I could put off the decisive moment no longer, as there might be no op-

portunity for privacy, when we were indoors; so I said, I fancy, in a rather husky voice.

"Miss Pillsbury, I have come to ask you to be my wife."

She looked at me, and I must confess there was almost a tear in my eye.

"Do you feel as bad about it as that?" she asked.

"Well," I said, "I was afraid you would say no."

She took a handkerchief from the bosom of her dress and stepping up close to me wiped my eyes. "What a great, big, baby boy you are," she said. Neither did she resist when I drew her toward me, and then I knew that I had the priceless treasure of a woman's love.

"I think we had better go inside," she said, as soon as she had an opportunity to speak.

I think I had been more afraid of the old Squire's opposition, than of objections from Belle; and I dreaded to ask him. I told her how I felt, and we decided to go to him together. So after she had straightened up her hair, and looked in a glass, we joined hands and went into the kitchen, where we found the Squire reading his paper and smoking his pipe. He didn't pay much attention to us at first, so finally I broke in.

"Well, Squire," I said, "Belle and I are thinking of getting married."

He laid down his paper and looked at us.

"Well, I swan, I should think it was about time,"

he said, "if you are ever going to. Here you and Belle have been spoonin' round for as much as a year, haven't you? Seems to me you ought to begin to think about something one way or t'other."

The Squire resumed his paper as he said this, and we turned and went back. Thus that lion, like those which barred the way to valiant Christian, dissolved into mist when it was approached, as had all of the others.

We were very happy.

"And so you were married and lived happily ever after," you say gentle reader.

Yes, we were married, and have been happy; no more so, perhaps, than the great majority of married people; but still happy. For my part, I have never seen the time since when I regretted that we had become man and wife.

We went down to father's on our honeymoon, and mother and Belle found each other very congenial. Mother would have tried to have liked anyone that was my wife, but it was a source of much satisfaction to me that they were really fond of each other.

Financially our marriage came out about as mother predicted. Although I had lost money by my first year's business, I had gained some standing in my profession; and eventually I paid my debts. Belle had some money saved from her earnings as a teacher, and she generously used it to commence housekeeping. We began in a small way. I don't

put our success forward as an argument in favor of early or illy considered marriages; but marriage is the normal condition for the most of us, and I sometimes think many people lose much of the best of life, by waiting too long. It is a question which each must settle for himself.

Except in my professional business, Belle has always been the managing partner of our firm. She would hardly admit it, and generally she manages with such perfect finesse that neither the children or I know how it is being done. But whether she is managing me or the children, it is always for our good. Yes, marriage with me so far has not been a failure.

Speaking of children, we have found them a comfort. True, when they were little, they often got us out of bed at night, but we were young and it did not hurt us. After all, what does a man live for, if it isn't for his friends and family? And then children are such a diversion. Suppose business has been going wrong, as sometimes it will, and you are going home to dinner, feeling sour and disgruntled. When you come within a few rods of the house, you see a little bundle of humanity making toward you.

"That's my papa," she explains to the other children; and she hurries forward as fast as her chubby legs will carry her, holding a dolly by one arm, wholly regardless of the terrible wrench which her poor child's anatomy is receiving. You take

your child in your arms; she gives you a kiss, and by the time you have reached the house, all thought of crabbed clients and lost causes has vanished from your mind. You home is a little fortress on life's battlefield, whose garrison is your wife and children. Here you find a retreat from the world of business, with its competition, and its self-seeking. Here you breathe an atmosphere of love and unselfish devotion; and, anon you go forth, rested, with courage in your heart, glad once more to battle with fortune.

This, I think, my dear reader, sufficiently apprises you of the fate of Belle and myself; but you may want a word about others whose acquaintance you have made.

Since I commenced to write this book, twenty years ago, Jordan has been elected governor of the State; Major Drew has long been the leader of the bar in the county; Dooley has a lucrative practice here in Berlin; Cook has been appointed to the bench. Since the death of Mr. Bingham, Batchellor and Mitchell have continued business at Littleton. Adams M. Poor and Ames still own farms on opposite sides of the highway, but they long since compromised all of their differences and maintain the most friendly relations. Jim Remich, now the Hon. James W. Remich, was for a time on the bench, but later resigned his position and is in practice at Concord. Alexander Dunnett is practicing law at St. Johnsbury. James I. Parsons, Jason H. Dudley, and Thomas F. Johnson are still in prac-

tice at Colebrook. You may remember Henning and Sullivan, whom Mr. Benton used to blame when asking for a continuance because his case was unprepared. Sullivan is in business here, while Henning is a law professor in the University of Pennsylvania.

Geo. F. Rich, after being admitted to practice, located in Berlin where he is Police Judge. J. Howard Wight is also located here and at the present time is County Solicitor. J. F. Libby and A. R. Evans are in practice in Gorham, the latter having been made Judge of the Probate Court of Coos County. Arthur F. Odlin went from Florida to Porto Rico where he was the first U. S. attorney-general. He was then appointed a judge of the first instance in the Phillipines; but he has returned to New England and is in practice in Boston.

William H. Paine is in practice here in Berlin.

Strangely enough Fletcher Ladd, another who sat at the table with Thorndyke, in the winter of 1886, was appointed a judge in the Phillipines. On account of ill health he returned from there in 1903, and in December of that year met with an early death, as a result of a surgical operation.

You doubtless remember my old landlord, Henry F. Marston. "Henry" sold the Cascade House and it became a convent. Then he built the Berlin House where for many years he was mine host; and, when in 1897, Berlin became a City, Henry was elected as its first mayor. But Henry like many

others who were active in business twenty years ago has gone to the land of the hereafter.

Holman A. Drew, against whom Uncle Harry Bingham leveled his sarcasm when arguing the Crane and Crippin case, is now Sheriff of the County and has come to Berlin to live.

Squire Pillsbury has lived to see his grandchildren.

I have something rather sad to tell you about John Chandler, with whom I eventually became quite friendly. John became rich by keeping a second-class hotel, and no longer entertains the wayfaring man at his house in Dummer. Even "pudding and milk" are no longer dispensed by him.

Griffin's ankle never recovered its strength. In fact it grew worse the longer he used it. The bones of his ankle never came back into their natural positions; and as he had to keep on his feet at his work, the ligaments were under a constant strain. He was a great sufferer up to the time of his death, which occurred a few years ago. Hon. Edgar Aldrich is still judge of the U. S. District Court.

And now what of Father Heywood and the others.

Father Heywood, Uncle Harry Bingham, former Lieut. Gov. George N. Dale, Judge George A. Bingham, Jacob Benton, Judge Ladd, Ossian Ray, Judge Shurtleff, and W. P. Buckley; all men in the practice of the law twenty years ago, and Buckley, a younger man than myself, have been gathered to their

fathers and have passed on to the land of the hereafter; so, too, have my father and mother, and Deputy Sheriff Clark. Surely our days on this earth are short and uncertain.

None of us expect to remain long. But to me the thought has little of sorrow or even sadness. So far as we are able to follow the plan of the all-pervading intelligence, nothing is ever done purposelessly, without cause, or without effect. So far as we can read the puzzle it has a meaning everywhere. For my part, I am content to admit that I see always dimly, often not at all; but, in so much as a meaning appears where we can read the riddle, I believe that there is a meaning in the lives of us all, that the life of not one is without significance.

There is much aside from revelation, which points to an existence hereafter; but we must defer its discussion to another time.

At my age, too, for I am forty-seven years old, I feel that I have as many friends on the other shore as on this. My parents and all of my forebears have passed over, as well a great many friends and acquaintances. If there is a life like this beyond the grave we shall not enter it wholly as strangers.

And now, my dear reader, let us use our imagination once more before we part. Let us imagine that the Grand Trunk Pacific had been completed, and that we had been making a tour of the country opened to the immigrant by its construction. We have marveled at the wonders of the Canadian west,

its wonderfully fertile soil, and its climate which, though farther north, is equally genial with our own. We have seen the inrush of the home-seeker, and those scenes re-enacted which were so common when the fertile prairies of our bountiful West first knew the presence of the white settler; we have looked upon another empire rising beneath the hand of the Saxon.

But at last, even those marvels and that stirring life palled upon us and we turned our faces homeward. As strangers we have boarded a train for our own New England. It so happened that we were assigned to the same car and to neighboring sections. The first day we make no effort to form each other's acquaintance. The second day as the train still pursues its eastward way, each remember that the other was a passenger the day before, and we even bow as we pass in the aisle. The next day we have spoken and find that we are taking practically the same journey; only I am to stop at Berlin, while you go on to Portland, or Boston. So we become acquainted, tell each other about ourselves. You prove to be a good listener, and so it is that I do most of the talking until I have told you so much about myself.

And now at length the journey is drawing toward a close. We have passed the western prairies, we have passed Montreal and the level bottomland of the St. Lawrence, occupied by the industrious and light-hearted *habitant*. Before we cross the bound-

ary line into Vermont we have entered the hill region of which the White Mountains are the center, we cross the Connecticut River in New Hampshire into Coos County. On the train speeds, into the valley of the Dead River, we rush by Jasper Mountain, where the Indian mined for his arrow-heads. I look across the valley and see the house where are wife and children. It has been preserved from fire since I last saw it. I am thankful. There is only time for a word.

"Well," I say, "I have enjoyed your company, it is a treat to find someone to talk to." But we have no time or inclination for further conversation. We feel the brake grip the car wheels as we glide up to the station. I gather up my hand baggage. The train is coming to a standstill. We must part, a clasp of hands. God bless you. Good-bye."

THE END.

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